

***United States Court of Appeals  
for the Second Circuit***



**APPELLEE'S BRIEF**





74-1734

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UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

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LANCASTER COLONY CORPORATION

Plaintiff-Appellee,

v.

ALDON ACCESSORIES, LTD. and  
ROYAL LONDON, LTD.,

Defendants-Appellants.  
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Docket No. 74C 1734

BRIEF FOR APPELLEE



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BRIEF FOR APPELLEE

Statement of Facts

This is a suit for infringement of appellee's U.S. Design Patent No. D217,942 covering an ashtray.

Some time prior to August 8, 1969, appellee's employee, Nicholas P. Angelakos, designed an ashtray which would be particularly useful to cigar smokers. On August 8, 1969, Mr. Angelakos applied to the U.S. Patent Office for a design patent on the ashtray, at the same time assigning the application to appellee (hereinafter referred to as "Lancaster"). The application matured into U.S. Design Patent No. D217,942 on June 30, 1970. A copy of the patent is annexed to Appellants' Brief on Appeal.

The patented ashtray is a transparent glass block having an elongated trapezoidal shape when viewed from the top (see Fig.



2 of the patent), and flat rectangular side and end faces. A trapezoidal trough having rounded corners is formed in the upper surface of the ashtray near its wider end, the trough occupying about one-half the upper surface area. Also formed in the upper surface of the ashtray is a channel of semi-circular cross-sectional shape extending from the trough to the narrow end of the ashtray.

During 1969, Lancaster arranged to have ashtrays made according to the Angelakos design, and entered into an agreement to sell the ashtrays exclusively to Alfred Dunhill Ltd. (see affidavit of Thomas Scoones, Paragraph 3). Dunhill is an internationally famous merchandiser of high quality products which include smoking articles and accessories. The ashtrays sold to Dunhill by Lancaster, and in turn sold at retail by Dunhill, are of substantial size and weight, each ashtray being 8-1/2 inches long, 4 inches wide at its widest point, and 2 inches high. The ashtrays are made of clear lead crystal. The ashtray is illustrated on page 15 of the Dunhill catalog annexed to the Scoones affidavit, and as indicated on page 14 of that catalog was sold by Dunhill for \$39.50, a rather handsome price for an ashtray. Alfred Dunhill sold the patented ashtrays, on a wholesale basis, to such fine retail stores as Georg Jensen, and on a retail basis sold the ashtrays in its own retail stores and via mail order catalogs (Scoones affidavit, Paragraph 4). A specimen of the ashtrays made by Lancaster for Dunhill will be presented at oral argument.

Between 1969 and 1972, Lancaster sold 9,042 ashtrays to Dunhill. The sales curve rose rather steeply during this period, as indicated by the fact that more than half of the ashtrays sold to Dunhill, 4,962 to be specific, were sold by Lancaster during 1972 alone (Scoones affidavit, Paragraph 5).

Around the middle of 1972, Lancaster was advised by the principal buyer for Dunhill of the existence of an ashtray, virtually identical in design to Lancaster's patented ashtray, being sold by appellants (hereinafter referred to collectively as "Aldon"). A specimen of Aldon's ashtrays will be presented at oral argument, from which it will be seen that it is identical to the patented ashtray described above with two exceptions. First, the upper surface of Aldon's ashtray is slightly sloped so that its two side surfaces, are not quite rectangular. Second, it is a fraction of the size of Lancaster's ashtrays, being 6 inches long, 3-1/2 inches wide at its widest point, and 1-1/2 inches high at its midpoint.

Dunhill's buyer pointed out to Lancaster that Aldon's ashtray was smaller and hence, less expensive than the ashtray being sold by Dunhill. In fact, whereas Dunhill's price was \$39.50, Aldon's ashtray carried a retail price of \$15.00 (see Aldon catalog annexed as Exhibit C to the Scoones affidavit). Furthermore, Dunhill's buyer expressed concern that Aldon's advertisements showing merely a picture of the ashtray and its price would lead potential purchasers to conclude that the same ashtray being sold by Dunhill was available from Aldon for less than one-half Dunhill's price. The buyer was concerned, therefore, that advertising and sale of Aldon's ashtrays would seriously interfere with Dunhill's



business in the patented ashtrays (Scoones affidavit, Paragraph 6). It will be seen from the Aldon catalog (Exhibit C annexed to the Scoones affidavit) that Aldon shows only a picture of the infringing ashtray and its price, with no information about its size. From the picture, it is impossible to tell the size of the ashtray.

Dunhill requested that Lancaster take some action to prevent the continued advertising and sale of Aldon's infringing ashtrays, and in the meantime Dunhill stopped buying the patented ashtrays from Lancaster (Scoones affidavit, Paragraph 8). On August 16, 1972, Lancaster's attorney wrote a letter to Aldon charging infringement of the patent in suit and demanding that sale of the infringing ashtrays be discontinued. After some brief correspondence between the attorneys for the parties, this suit was instituted on November 28, 1972. On June 13, 1973 Lancaster moved for Summary Judgment. A hearing on the motion was held before Judge Tenney on June 29, 1973. After the hearing, on July 6, 1973, Aldon made its own motion for summary judgment. On March 20, 1974, Judge Tenney issued a memorandum opinion granting Lancaster's motion and denying Aldon's motion; Lancaster's patent was held valid and infringed.

Throughout this period and continuing to the present time, Aldon has continued to sell the infringing ashtrays to retail stores and mail order merchandisers such as Plummer's, American Express, The Gallery, and Wallace Brown.



### Infringement

There is no issue of infringement to be decided on this appeal. The paragraph extending between pages 1 and 2 of Judge Tenney's memorandum opinion reads as follows:

"The material facts are not in dispute. There can be little, if any, doubt that defendants' ashtray is virtually identical to plaintiff's. The only differences apparent to the Court are (1) that the top surface of defendants' ashtray inclines at approximately an 8° angle from the trough and while the top surface of plaintiff's ashtray is parallel to its base and (2) that defendants' ashtray is somewhat smaller than plaintiff's. Thus, as the court ruled at oral argument, it is clear that defendants' ashtray infringes plaintiff's design patent. The only issue remaining, therefore, is the validity of plaintiff's patent".

Furthermore, Aldon has in effect conceded infringement by the statement in the last paragraph on page 1 of Appellants' Brief on Appeal, which reads:

"The sole question presented on this appeal is whether Design Patent No. 217,942 is valid over the prior art relied upon by the appellants in opposing the appellee's Motion below and which was not cited by the Patent Office".

Lancaster agrees with this statement of the issue involved in this appeal.

### Validity

In this appeal, Aldon predicates its contention that the patent in suit is invalid on the ground that the patented ashtray design would have been obvious to a person of ordinary skill in the art in view of the subject matter disclosed in four U.S. patents. The wording of this contention of course paraphrases Section 103 of Title 35 U.S.C.

As the Court below pointed out on page 2 of the memorandum opinion:

"The burden is of course, upon defendants to establish the invalidity of plaintiff's patent. See e.g., Boas Box Co. v. Proper Folding Box Corp. 330 F. Supp. 401, 404 (S.D.N.Y. 1971). Thus, defendants must overcome the presumption of validity of plaintiff's patent and that presumption, in turn, 'requires that reasonable doubt on the question of validity be resolved in favor of the patent holder'. Lemelson v. Topper Corp. 450 F. 2d 845, 849 (2d cir. 1971)."

The Court, it is believed, correctly decided that defendants-appellants did not meet their burden.

The Cited Prior Art

The patents and catalog page relied upon by Aldon are the following:

Russell Patent No. 371,901  
Segal Patent No. 2,335,973  
Stock Patent No. 2,641,264  
Chambers Patent No. D145,562

Aldon relies most heavily on the Russell patent to support its contention of invalidity. The Russell patent shows a combined paper weight and cigar and ash holder, consisting of a rectangular body B having at one end a trough or depression S and an arcuate groove extending longitudinally from one end of the body to the trough S.

In the sentence of its brief extending between pages 3 and 4, Aldon reiterates a point it made below: "The basic design features of the patent in suit are shown in their entirety in the Russell patent No. 371,901 except for the trapezoidal shape...".



In response to this contention, the district court adopted the following chart submitted by Lancaster identifying all the design distinctions between the item of the Russell patent and the patent in suit:

	<u>Russell Patent</u>	<u>Plaintiff's Design Patent</u>
General body shape	Rectangular	Trapezoidal
Trough	Rectangular	Trapezoidal with sloping walls (See Fig. 3) and oversized rounded edges
Groove	Arcuate with a remote radius of curvature, See Figs. 1 and 4.	Semicircular with the radius of curvature being approximately in the plane of the top surface of the ashtray (See Fig. 4).
Length to height ratio	8:1	4:1; 1:2
Front and rear end height to width ratios	1:4	1:1; 1:2
Outer edges	Right angled	Delicately chamfered

On page 7 of its brief, Aldon refers to the chart in the following way: "The chart relied on by the District Court was an attempt to distinguish the ashtray of the patent in suit only from that shown in the Russell patent. The differences relate to minutiae and size differences which obviously have no bearing on the design itself". The Court below treated this argument in the following way:

"Although defendant has characterized these distinguishing features as minor, the Court is in agreement with plaintiff's cited authority:

"[T]here are no portions of a design which are "immaterial" or 'not important'. A design is a unitary thing and all of its portions are material in that they contribute to the appearance which constitutes the design. In Re Blum, 153 U.S.P.Q. 177, 180 (CCPA 1967)."

Aldon relies on each of the other three patents, issued to Segal, Stock, and Chambers, as allegedly showing a trapezoidal shaped ashtray, and states that "Thus to minutely modify the Russell ashtray to make it trapezoidal in shape is no invention" (Appellants' Brief on Appeal, page 6). These assertions require closer examination.

The closest that Segal comes to illustrating a trapezoidal shape is in Figs. 7 and 11 of the patent. However, in neither figure is a trapezoidal shape actually shown, bearing in mind that a trapezoid is a figure having four straight sides, two of the sides being parallel and two non-parallel. Instead, Segal shows ashtrays having a shape resembling a truncated circular sector, i.e., shaped as a slice of pie having its tip cut off. Moreover, inspection of the other views shown in the Segal patent makes it clear how remote the shape of any of the Segal ashtrays is from that of the ashtray covered by the patent in suit. Thus, it is not seen how combining the disclosures of the Russell and Segal patents can possibly yield the design of Lancaster's patented ashtray.



The ashtray shown in the Stock patent is very unlike the design of the patent in suit. The Stock ashtray is a two part arrangement including a thin plate 11 hinged to an ashtray body 10. As seen in Fig. 1 of the Stock patent, the plate 11 and a portion of the top surface of body 10 together present a shape somewhat resembling a trapezoid. However, the Stock arrangement is so remote from the Lancaster ashtray that it is not seen how Stock can be said to suggest any feature of the Lancaster ashtray.

The Chambers patent, which was cited by the Patent Office Examiner during prosecution of the patent application which matured into the patent in suit, shows a pipe receptacle having an upper surface of substantially trapezoidal shape. No doubt this shape was employed because a pipe comprises a long thin stem having a larger bowl at one end. The bowl of the pipe is received at the wider end of the Chambers receptacle, and the pipe stem extends toward the narrower end. However, it is not seen how the Chambers design would suggest a trapezoidal shape for an ashtray intended for use with a cigar, which has a substantially uniform shape from one end to the other.

Concerning prior art cited by a defendant, this court said the following in The International Silver Co. v. Julie Pomerantz, Inc. 271 F. 2d 69, 123 U.S.P.Q. 108 (1959):

"The defendant, we hold, failed to prove that the patent in suit did not have the requisites of patentability. Concededly, the flatware prior art contained some three thousand design patents. The defendant, from this number, selected twenty-one design patents as the most pertinent to the patent in suit, which it put in evidence. These we have carefully scrutinized

and find not one which gives the effect of the asymmetrical swirling contours combined with the flutings disclosed by Doerfler's "Flair". And the defendant in this case, unlike the defendant in Gold Seal Importers, Inc., supra, put in evidence not a single design from the prior unpatented art. Assuming, as we must, that the prior art patents in evidence, which the defendant has culled from the vast prior art, illustrate the general level of skill in design in this field, consistent with the authorities cited above we think the judge below did not err in his conclusion that the design in suit was not only novel, original and of genuine artistic merit but also so striking and so arresting in the effect produced as to attest the presence of a creative skill surpassing that of a routineer".

\* \* \* \*

"In the context of this case, like the judge below, we think the evidence of the most pertinent prior art was proof enough to justify the inference that "Flair" was the product of patentable invention. For this conclusion it is not necessary to rely either on expert testimony or on the commercial success of the patented design. However, both these factors impress us, as apparently they did the judge below, as having at least some confirmatory weight. We hold the patent valid".

Similarly, in the present case, this court can justifiably take judicial notice that there are literally thousands of ashtray designs in the prior art, of which Aldon has selected four as the most pertinent in presenting this appeal. Close scrutiny of the four patents cited by Aldon reveals that not one gives the effect of the trapazoidal clear glass block formed with a trapazoidal trough and a channel extending from it, disclosed by the Lancaster patent. Aldon in this appeal refers to not one design from the prior unpatented art. Thus, the assumption must be made that prior art patents cited by Aldon, which Aldon has



culled from the obviously vast prior art, illustrate the general level of skill in this field. By this standard, the Lancaster design is certainly inventive.

#### The Presumption of Validity

The patent in suit enjoys a presumption of validity, by virtue of 35 U.S.C. 282. Furthermore, the presumption of validity is reinforced with respect to patents which were cited by the Patent Office Examiner against the application which led to the patent. Stevens v. Carl Schmidt, Inc., 73 F. 2d 54, 23 USPQ 117 (2d Cir., 1934), Ensign Carburetor Co. v. Zenith-Detroit Corp. 26 F. 2d 684, 4 USPQ 3 (2d Cir., 1930).

The Patent Office Examiner cited not only the Chambers patent mentioned above, but also Gluck Patent No. D199,716 and Gayle Patent No. D172,873, copies of which are annexed hereto. It is clear that the three patents cited by the Examiner are closer to the design of the patent in suit than are the Russell, Segal, and Stock patents cited by Aldon. One of the distinctive features of the Lancaster ashtray design is its trapezoidal shape. This shape is shown more clearly in the Gayle patent, cited by the Examiner, than in any patent cited by Aldon.

Since Aldon has not cited any prior art more relevant than that considered by the Patent Office Examiner before he allowed Lancaster's patent, Aldon has failed to successfully rebut the presumption of validity.

The Patented Design As A whole Was Not

Obvious

On page 8 of its brief, Aldon picks through the Segal, Stock, and Chambers patents to find in them various parts of the Lancaster ashtray design. However, the fact that the constituents of the patented design may be found in various prior art references does not negative patentability.

"Taken separately all of the elements of the bottle are old. But that alone does not invalidate the design patent. Graff, Washbourne & Dunn v. Webster, 195 F. 522, 523 (2d Cir., 1912). That there is but a simple grouping of these old elements does not negative invention either for simplicity may be the height of art." Krem-Ko Company v. R.G. Miller & Sons, Inc. 21 USPQ 96, 97 (2d Cir., 1934)."

To digress for a moment, this last quotation brings to mind that the ashtray design covered by the patent in suit has a simple elegance, which no doubt attracted the buyer for Alfred Dunhill. The clear simple lines of the ashtray combined with the transparency of the glass crystal from which it is made combine to give Lancaster's ashtray its unique attractiveness. This court said in Shaw et al. v. E.B. & A.C. Whiting Company, 417 F.2d 1097, 163 USPQ 580 (2d Cir., 1969) that "The simplicity of an invention or an improvement thereof is not, however, the test of its obviousness. Goodyear Tire and Rubber Co. v. Ray-O-Vac Co., 321 U.S. 275, 279 (1944)".

Coming back now to the fact that it may be possible to cull from the prior patents cited by Aldon the elements of



Lancaster's design, the Court of Customs and Patent Appeals has said the following in the case of an appeal from a Patent Office refusal to grant a patent or a design:

"It is almost always possible to select from the prior art elements which, if assembled in the proper manner, will approximate the design shown in an application, but the fact that such a selection can be made does not necessarily preclude the presence of patentable invention.

"Here the attempt to create an anticipating design by the Examiner and the board not only requires replacing the two-part cushions of Denton by single cushions of substantially different appearance and proportions, but also requires a widening of the straps to an extent which we doubt is fairly suggested by the references. It goes without saying, of course, that not every change in proportions of parts is a patentable matter-the question is whether the changes result in a new, original, ornamental and unobvious appearance of the design as a whole. Here, a comparison of the overall appearance of applicant's design with the references creates a substantial doubt in our minds that the references are adequate to support the rejection. We feel justified in resolving that doubt in favor of the applicant. Thus, it becomes necessary to reverse the decision of the board". In re Crotty, 272 F.2d 957, 107 USPQ 124 (CCPA 1959).

This court said in Vacheron & Constantino-Le Coultre Watches, Inc. v. Benrus Watch Company, Inc., 260 F. 2d 637, 119 USPQ 189 (2d cir., 1958) that:

"The issue, as we view it, is what was in fact the combination that caught the taste of the public and succeeded in attracting purchasers in large number; for a design patent like this, that has no utility as such, is directed only to appearances that please the taste. Assuming that the combination of "sticks"

and "floaters" was old, that of making them sparkle was not. Moreover, a number of years had passed before the patent was applied for, during which all the elements of the design were disclosed; yet this combination had not been shown. That is a situation in which it was permissible to say that since the combination had been at hand for so long and turned out to be esthetically pleasing, it was a legitimate inference that it was not obvious to those skilled in the art".

In the present case the Russell patent, cited by Aldon, was issued in 1887, the Segal patent in 1943, and the Stock patent in 1953. Therefore, assuming these patents show all the elements of the design patent in suit, all the elements have been disclosed for a good many years. Yet, the design of the patent in suit was not conceived until Mr. Angelakos invented it.

This court has also pointed out that:

"Further, the burden is on the appellee to show facts that would lead to the conclusion that appellant's product was obvious. The mere recital of the known elements in the art does not, without more, invalidate the patent under Section 103. There must appear evidence that the bringing together of these elements would have been obvious. Doubt, as to validity, no matter how strong, cannot justify resort to unfounded assumptions or supply deficiencies in the factual background. Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966)". Shaw et al v. E.B. & A. C. Whiting, supra.

In this case, Aldon has done nothing more than attempt to show that elements of the patented design were known prior to the time the design was created. It has not proved that it would be obvious to combine these elements to produce the result which Mr. Angelakos achieved.



Since Aldon has not produced any prior art showing an ashtray identical to, or substantially identical to, the design of the patent in suit, the patented design is clearly new. Therefore, the question of validity of the patent in suit hinges on whether or not the ashtray design of the patent "as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art" , 35 U.S.C. 103.

Interpretation of this statutory standard has been the subject of much discussion, and particularly with respect to design patents is not easy to apply. However, the best application of this standard, as applied to a design invention, was set forth by the Court of Customs and Patent Appeals in In re Laverne and Laverne, 356 F. 2d 1003, 148 USPQ 674 (1966):

"We feel that the test of patentability of an admittedly new design cannot be whether it is no more than a "competent designer" might produce. That would be parallel to saying of a mechanical invention that it is no more than a "competent inventor" might produce. The test must be obviousness, for that is the dictate of Section 103, but it must be applied in a way which will implement the legislative intent to promote progress in the field of industrial design by means of the patent incentive. This will not be done by denying patents to everything competent designers produce by the skill of their calling.

"Following the mandate of Section 103, it would seem that what we have to do is to determine obviousness to the ordinary intelligent man. The test is inherently a visual test, for the design is nothing more than appearance, and the appearance is that of the article as a whole. In re Jennings, 37 CCPA 1023, 182 F.2d 207, 86 USPQ 68. No special skill is required to determine what things look like, though individuals react differently. It is bound to be an individual reaction.

"Having studied appellants' and Saarinen's drawings and tried to visualize what their chairs would look like in real life, we have concluded that under the statutory test, applied in the light of the foregoing analysis, appellants' chair design would not be obvious from Saarinen's. True, there is a general similarity in that they are both pedestal chairs with unitary molded seats, with the general features that go with molding a seat to accommodate the human anatomy. But we point out a number of differences, which we think are not properly characterized as "minutiae", legally speaking, the cumulative effect of which is unquestionably to create a different appearance.

\* \* \* \*

"Perhaps each of these differences by itself is a minor difference, but taken together the net result is a distinctly different appearance. These facts closely resemble those in the recent case of *In re McKay*, 50 CCPA 1257, 316 F.2d 952, 137 USPQ 558, 559, opinion by Judge Martin, wherein we reversed the rejection of an application on a lint remover. We there said:

"In the present case, the cleaning implement of Scriminger may have "the same general overall shape" as appellant's design in the broad sense that both have a generally cylindrical body and a tapered handle attached at its smaller end to the body. However, the two devices are vastly different in the impression they make on an observer. The difference seems to us to have two aspects, one being in a difference in proportions of the elements and the other in particular features of the handle alone.

We found the differences result in a new and ornamental design which would not be obvious from the prior art".

It is believed that the language quoted above is directly applicable in the present case. Furthermore, the Laverne case was referred to approvingly by the Ninth Circuit Court of Appeals in Schwinn Bicycle Company v. Goodyear Tire & Rubber



Company, 444 F. 2d 295, 168 USPQ 258 (1970):

"In design patent cases there has been some confusion as to the appropriate method of determining the level of ordinary skill in the art. See in re Laverne 356 F.2d 1003, 148 USPQ 674 (Ct. Cust. Pat. App. 1966). In Laverne the Court of Customs and Patent Appeals (which has the responsibility of deciding numerous cases from the Patent Office regarding the patentability of designs), rejected the suggestion that the pertinent inquiry was to the 'expected skill of a competent designer' and re-affirmed its view that the determination must be 'obviousness to the ordinary intelligent man'.

"We think this is the appropriate measure and one which has substantial historical backing".

The Imitation By Aldon Tends To Prove

Inventiveness

Additional evidence that the design of the patent in suit is not obvious, but rather is the product of invention, may be construed from the fact that the infringing ashtray is a slavish imitation of the patented design.

In Sel-O-Rak Corporation v. The Henry Hanger and Display Fixture Corporation of America, 232 F. 2d 176, 109 USPQ 179 (1956), the Fifth Circuit Court of Appeals quoted this court admiringly:

"As was said by the Court of Appeals for the Second Circuit in Kurtz v. Belle Hat Lining Co. 280 F. 227, 281, and quoted approvingly in two decisions of the Fourth Circuit:

'The imitation of a thing patented by a defendant, who denies invention, has often been regarded, perhaps especially in this circuit, as conclusive evidence of what the defendant thinks of the patent, and persuasive of what the rest of the world ought to think'".

On this ground alone, this court would be justified in affirming the finding of validity below.

### Commercial Success

Lancaster has sold 9,042 ashtrays to Alfred Dunhill which in turn has retailed those ashtrays for \$39.50 each (Scoones affidavit, paragraph 5 and Dunhill catalog annexed thereto). Since most ashtrays perform substantially the same function, and since it is possible to obtain receptacles, such as clamshells, without cost which serve adequately as ashtrays, it is obviously the aesthetic appearance which attracts a purchaser to an ash-tray. Furthermore, the appearance must be very special and unique to induce a purchaser to part with \$39.50 for an ashtray.

In addition, Aldon has sold even more of its infringing ashtrays than Lancaster has sold of its patented ashtrays. For the smaller size infringements, the retail price of \$15.00 is also a very handsome price which evidences the unique attractiveness of the present design.

Thus, in view of the rather high price of the ashtrays incorporating the patented design, the fact that literally tens of thousands have been sold is certainly evidence tending to show that invention is present in Lancaster's design.

"Commercial success is of great importance in determining the validity of a design patent. Glen Raven Knitting Mills, Inc. v. Sanson Hosiery Mills, Inc. (4 Cir.) 189 F. 2d 845, 89 USPQ 470. This is so because the objective of most such designs is to enhance saleable value. The realization of this objective shows that the design must have been sufficiently novel and superior to attract attention". Robert W. Brown & Co. Inc. v. De Bell, 243 F.2d 200, 113 USPQ 172, 9th Cir. 1957.



The U.S. Supreme Court said in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966):

"Such secondary considerations as commercial success...might be utilized to give light to...the subject matter sought to be patented. As indicia of obviousness or nonobviousness, these inquiries may have relevancy".

Furthermore, this court said in The International Silver Co. v. Julie Pomerantz, supra, that commercial success of a patented design has some confirmatory weight in supporting an inference that the design is the product of a patentable invention.

The Court Below Did Not Err

The last page of Judge Tenney's opinion bears the following statement:

"It must suffice, then, to say that the Court has carefully scrutinized both plaintiff's design and the prior art, that it has noted the similarities as well as the differences; and that it concludes that the combination of the elements existing in the prior art and the refinements of design authored by plaintiff (i.e., the change in the ratio of various dimensions of the ashtray; the chamfering of the edges; the sloping of the trough walls; and the semicircular groove) do indeed represent an exercise of talent beyond that of the ordinary designer chargeable with knowledge of the prior art.

Accordingly, plaintiff's motion is granted and defendant's motion is denied."

This statement indicates that Judge Tenney made the factual inquiries set forth by the Supreme Court in Graham v. John Deere Co., supra:

"Under Section 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or non-

obviousness of the subject matter is determined".

As was said in a recent Sixth Circuit Court of Appeals decision:

"Judge Wellford determined the scope and content of the prior art, the differences between the Gera design and the prior art and the level of ordinary skill in the art. He determined that the Gera design was a new concept and distinctively different from the prior art in overall shape, form, appearance and impression. He stated that the Gera Patent design, considered as a whole, comprises [non] obvious design subject matter\*\*\*. We have studied the record and examined the pictures of the prior art sofas and are in complete agreement with Judge Wellford's holding'. Schnadig Corporation v. Gaines Manufacturing Co., Inc. 181 USPQ 417, 6th Cir. 1974.

This court should affirm the decision below, since Judge Tenney's findings are certainly not clearly erroneous, and as such they fully support the holding of patent validity.

In The International Silver Co. v. Julie Pomerantz, Inc., supra, this court applied the following standard:

"We think the judge below did not err in his conclusion that the design in suit was not only novel, original and of genuine artistic merit but also so striking and so arresting in the effect produced as to attest the presence of a creative skill surpassing that of a routineer". (Emphasis added).

In reviewing a district court decision in a design patent case, the Ninth Circuit Court of Appeals said the following:

"Our review of the record convinces us that these findings are not clearly erroneous. In our opinion, none of the prior art embraces, in substantial respects, the combination of features which lend novelty and invention to the design in question".



As pointed out above, Judge Tenney's finding and decision are believed to be correct, and therefore he should be affirmed. However, even if there were some doubt, the lower court decision should still be affirmed, since any doubt should be resolved in favor of the patentee, Lorenz v. F. W. Woolworth Co., 305 F.2d 102, 134 USPQ 152, 2nd Cir., 1962; Lemelson v. Topper Corporation, 450 F. 2d 845, 171 USPQ 705, 2nd Cir., 1971.

#### The Constitutional and Congressional Scheme

The U.S. Constitution gives Congress the power, under Article I, Section 8, to provide for issuance of patents "To promote the progress of science and the useful arts". Congress has seen fit to act under this power by providing that "whoever invents any new, original and ornamental design for an article of manufacture may obtain a patent therefore, subject to the conditions and requirements of this title." 35 U.S.C. 171.

The intent of the design patent statute is to give encouragement to the decorative arts, Gorham Co. v. White, 81 U.S. 511, 524, (1871). As a consequence, hopefully all of us can live in a more aesthetically pleasing environment. Visitors to the Soviet Union report that one of the elements making life in that country so drab is the complete absence of style in the clothing and other products available to the populace.

The present case is a textbook example of the success of the design patent statute in achieving its intended purpose. Dunhill wanted an ashtray for cigar smokers incorporating an exclusive design. Lancaster had its employee Angelakos design a new ashtray, and the ashtray was offered to, and accepted by

Dunhill, on an exclusive basis. Lancaster applied for and obtained a design patent so that it could assure Dunhill that the ashtray design would be Dunhill's exclusively. Without the potential of design patent protection, which would assure the exclusivity of the design, neither Dunhill nor Lancaster could have afforded to commit itself to the expense involved in designing and manufacturing a uniquely new ashtray. In the absence of the potential monopoly afforded by the design patent, the ashtray in question would probably never have been created. As a result, society in general, and the 9,042 people in particular who purchased the Dunhill ashtray, would have been denied the pleasure of owning and using this beautiful accessory. Furthermore, Aldon would have had no aesthetically pleasing ashtray design to copy.

It is believed important, if the Congressional intent in creating the design patent statute is to be carried out, that the judgment below be affirmed. A reversal in a case as clear as this one will discourage the advance of aesthetics in the marketplace. On the other hand, a holding of validity will serve notice on designers and manufacturers that original and inventive designs will be protected by the courts, and hence will help stimulate beautiful design in the things which surround us.

#### Conclusion

There is no dispute concerning the fact that the Aldon ashtrays infringe Lancaster's patent. Concerning validity, the



patents cited by Aldon at most show various features of the patented design, but do not suggest how these features should be combined. Without Lancaster's patent before him to use as a guide, one could not possibly use the disclosures to create the patented design. The prior art patents relied on by Aldon are less relevant than those cited by the Patent Office Examiner; hence, Aldon has not overcome the presumption of validity carried by the patent in suit. Aldon's precise copying of the patented design coupled with the commercial success achieved as a result of the design evidence the non-obviousness of the Lancaster ashtray design. The district court's decision is based on findings of fact which should not be reversed since they are not erroneous. The entire country looks with respect to decisions of this court, and an affirmance in this case will encourage and stimulate good design in the decorative arts.

Breitenfeld & Levine

By Alan H. Levine  
Alan H. Levine  
350 Fifth Avenue  
New York, N.Y. 10001  
212-239-4162

Aug. 24, 1954

A. A. GAYLE ET AL  
ASH TRAY OR SIMILAR ARTICLE

Des. 172,873

Filed Aug. 26, 1953

2 Sheets-Sheet 1

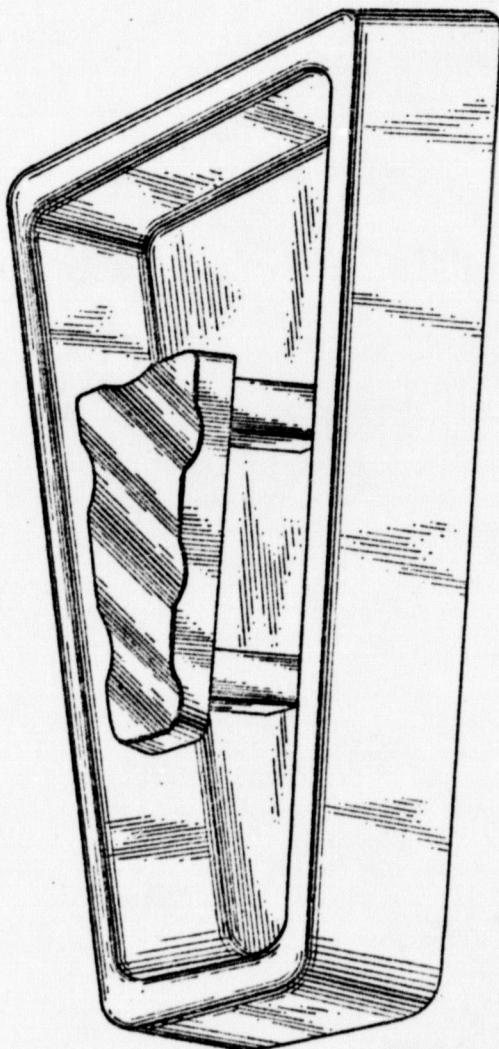


Fig. 1.

INVENTORS.  
AUBREY A. GAYLE  
EDNA P. GAYLE  
BY *Harry H. Hitzman*  
ATTORNEY.



Aug. 24, 1954

A. A. GAYLE ET AL  
ASH TRAY OR SIMILAR ARTICLE

Des. 172,873

Filed Aug. 26, 1953

2 Sheets-Sheet 2

FIG. 2.

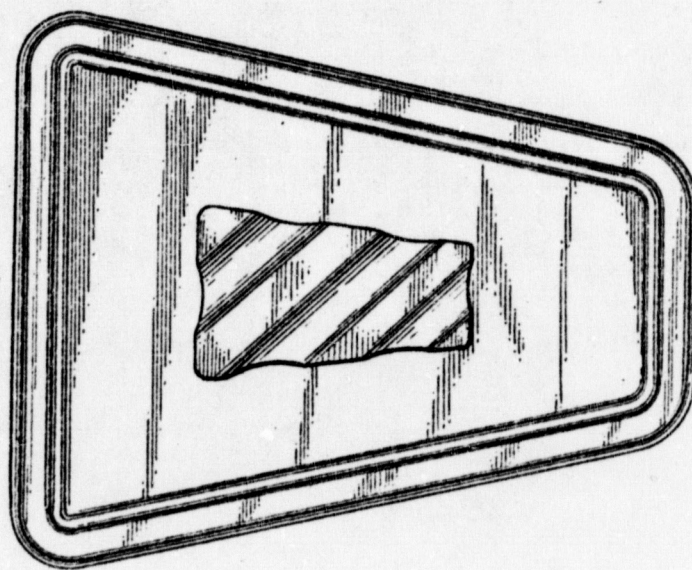
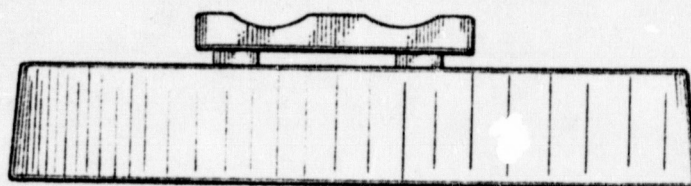


FIG. 3.



INVENTORS  
AUBREY A. GAYLE  
EDNA P. GAYLE

BY *Harry H. Higginson*  
ATTORNEY

Patented Aug. 24, 1954

Des. 172,873

# UNITED STATES PATENT OFFICE

172,873

## ASH TRAY OR SIMILAR ARTICLE

Aubrey A. Gayle and Edna P. Gayle, Chicago, Ill.

Application August 26, 1953, Serial No. 26,584

Term of patent 14 years

(Cl. D85-2)

### *To all whom it may concern:*

Be it known that we, Aubrey A. Gayle and Edna P. Gayle, both citizens of the United States, residing at Chicago, Illinois, have invented a new, original, and ornamental Design for an Ash Tray or Similiar Article, of which the following is a specification, reference being had to the accompanying drawing, forming a part hereof.

Fig. 1 is a perspective view of an ash tray or similar article, showing our new design;

Fig. 2 is a top plan view thereof; and

Fig. 3 is a side elevational view thereof.

We claim:

The ornamental design for an ash tray or similar article, as shown.

### References Cited in the file of this patent

#### UNITED STATES PATENTS

Number	Name	Date
D. 112,539	Schildknecht	Dec. 13, 1938
D. 151,671	Armus	Nov. 9, 1948
1,887,896	Watson	Nov. 15, 1932
2,335,973	Segal	Dec. 7, 1943

#### OTHER REFERENCES

N. Friedman & Sons, Inc., General Catalog No. 37, "Complete Dining Room and Kitchen Equipment," page 15, item: No. AX302, "Triangle Ash Tray for Book Matches," bottom left corner of page.



# United States Patent Office

Des. 199,716  
Patented Dec. 1, 1964

199,716

## ASH TRAY

Seymour M. Gluck, 1320 Cornaga Ave.,  
Far Rockaway 9, N.Y.

Filed Jan. 10, 1964, Ser. No. 78,157

Term of patent 14 years

(Cl. D85-2)

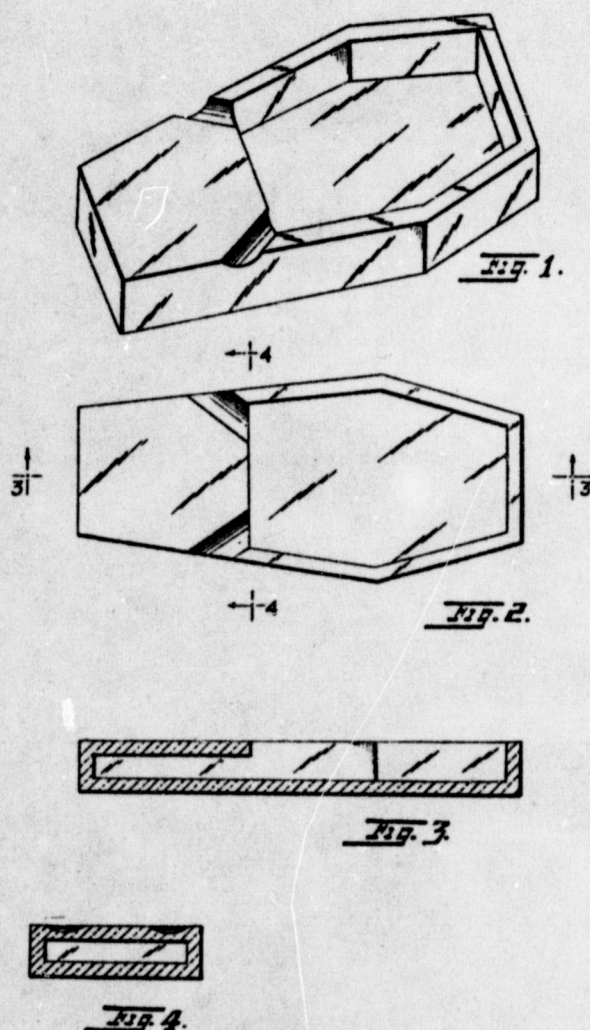


FIGURE 1 is a perspective view of an ash tray showing my new design;

FIG. 2 is a top plan view thereof;

FIG. 3 is a sectional view taken on the line 3—3 of FIG. 2;

FIG. 4 is a vertical sectional view taken on the line 4—4 of FIG. 2.

I claim:

The ornamental design for an ash tray, substantially as shown.

### References Cited by the Examiner

#### UNITED STATES PATENTS

D. 37,581 10/05 Ellis ..... D58—14

#### OTHER REFERENCES

Miles Kimball Company Catalog received November 10, 1952, page 57, item R4390, plastic coffin, bottom left corner.

EDWIN H. HUNTER, *Primary Examiner.*

JOEL STEARMAN, *Examiner.*

74C. 1734

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT



-----X  
LANCASTER COLONY CORPORATION,

Plaintiff, Appellee

v.

ALDON ACCESSORIES, LTD. and  
ROYAL LONDON, LTD.

Defendants, Appellants :  
-----X

Docket No.: 74C 1734

B  
PLS

INDEX TO APPENDIX AND EXHIBITS

Certificate copy of docket entries

Complaint

Answer

Affidavit of Thomas Scoones

Dunhill Brochure

Aldon Brochure

Affidavit of Alan H. Levine

Affidavit of Arthur Ginsberg

Patent No. Des. 217,942 (Patent in Suit)

Prior Art:

Russell Patent No. 371,901

Segal Patent No. 2,335,973

3



Stock Patent No. 2,641,264

Chambers Patent No. Des. 145,562

National Jeweler March 1931 p. 69

Memorandum Decision of Judge Tenney

Judgment and Order

Notice of Appeal

A



TZ	PROCEEDINGS	Date of Judgment
Nov 28-72	Filed Complaint. Issued Summons.	
Dec 2-72	Filed summons with marshals return: SERVED: ALDON ACCESSORIES LTD. 12-5-72. SERVED ROYAL LONDON LTD. 12-5-72.	
Jan 26-73	Filed pliffs Request to enter default.	
Feb 2-73	Filed ANSWER OF debts to complaint.	AAM
Mar 14-73	Filed Notice of Motion Ret. 6/29/73 at 2 PM in ROOM 1505 re: Hearing for summary judgment.	
	Also filed: Statement of Material Facts.	
	Also filed: Affidavit of Alan H. Levine.	
	Also filed: Affidavit of Thomas Scoones.	
	Also filed: Memorandum in support of pliff's motion for summary judgment.	
Mar 20-74	Filed OPINION 440480. Pliff's motion is granted and debts motion is denied. SETTLE JUDGMENT ON 5 DAYS NOTICE WITHIN 10 days of filing of this opinion TENNEY, J. (mn)	
May 6-74	Filed Debt's Order to Show Cause ret. 5/6/74, 10:30 A.M., Rm 1914 re why an Order should not issued staying or suspending Judgment pending disposition of an Appeal from said Judgment Order to Court of Appeals, 2nd Circuit, etc.	
May 6-74	Filed Memo End. on Order to Show Cause of same date. Motion granted. Order signed TENNEY, J. (mn)	
May 6-74	Filed JUDGMENT. Debts, executors, successors, etc. and those in concert or participation with them, are enjoined from manufacturing or causing to be manufactured, purchasing or causing to be purchased, offering for sale or causing to be offered for sale, importing, etc. which embody the patented design, etc.; a special master will be appointed by an Order to ascertain sums referred to in Para. 4, 5 and 6. TENNEY, J. JUDGMENT ENTERED. Clk. (mn) ENT. 5/6/74	
May 6-74	Filed ORDER. Judgment Order of this Court of this date granting an injunction against debts & requiring accounting for damages is hereby suspended and stayed until final disposition of appeal by debts from such Order to USCA, 2nd Circuit; Suspension & stay hereby ordered shall be conditioned upon debts within 5 days posting bond of good & sufficient surety in amt of \$50,000. subject to approval of Court; suspension & stay shall be further conditioned within 3 days from date of this Order, Filing a Notice of Appeal to USCA, 2nd Circuit from aforesaid Judgment Order. TENNEY, J. (mn)	
May 6-74	Filed Debts Aldon Accessories, Ltd & Royal London, Ltd's Notice of Appeal from final Judgment that U.S. Patent No. Des. 217,942 is valid and infringed by debts entered on 5/6/74. (copy to Breitenfeld & Levine on 5/8/74)	
May 6-74	Filed Undertaking for costs on Appeal in sum of \$250 (Fidelity & Deposit Company)	
May 13-74	Filed Stip & Order that suspension & stay ordered by Order of Hon. Charles H. Tenney of 5/6/74 upon condition that debts within 5 days post bond in amt of \$50,000 subject to approval of Court and contd until 5/17/74. BAUMAN, J.	
May 23-74	Filed Debts Order to Show Cause why an order should not issue reducing Bond required to be posted from \$50,000 to \$25,000. ret. 5/31/74, 10:30 A.M. GURFEIN, J.	
May 29-74	Filed Stip & Order that suspension & stay ordered by Order of Tenney, J. on 5/6/74 upon condition that debts within 5 days post bond of good & sufficient surety in amt of \$50,000, & further contd until 6/1/74 provided no further continuation granted & no shipments of ashtray found to be infringed made by debts prior to posting of bond. GURFEIN, J.	

JUDGE TENNEY

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS
May 31-74	Filed Stip&Order that defts within 5 days post bond in amt of \$50,000. contd until 5/24/74, etc. TENNEY, J.
Jun 3-74	Filed Memo End. on ORDER TO SHOW CAUSE of 5/23/74. Stay of preliminary injunction extended until 6/7/74. Deft is directed to supply plttf with financial information regarding proposed personal undertaking in lieu of a bond. Disposition of motion to reduce bond is continued. So Ordered. TENNEY, J. (mn)
Jun 6-74	Filed defendants' notice of motion for summary judgment.
Jun 6-74	Filed plaintiff's reply brief
Jun 6-74	Filed defts' brief in opposition to motion for summary judgment
Jun 6-74	Filed plttfs. brief in opposition to motion for summary judgment.

A TRUE COPY  
RAYMOND F. BURGHARDT, Clerk  
By *M. J. [Signature]*  
Deputy Clerk



UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
LANCASTER COLONY CORPORATION : Civil Action No.  
Plaintiff :  
v. : 72 CIV. 5038  
ALDON ACCESSORIES LTD. and :  
ROYAL LONDON LTD. :  
Defendants :  
-----X

COMPLAINT

Plaintiff, LANCASTER COLONY CORPORATION complains of Defendants, ALDON ACCESSORIES LTD. and ROYAL LONDON LTD., as follows:

1. Plaintiff is a Delaware Corporation having a place of business at 1107 Broadway, New York, New York 10010.
2. On information and belief, Defendant ALDON ACCESSORIES LTD. is a New York corporation having a regular and established place of business at 225 Fifth Avenue, New York, New York 10010, in this judicial district.
3. On information and belief, Defendant ROYAL LONDON LTD. is a New York corporation having a regular and established place of business at 225 Fifth Avenue, New York, New York 10010.
4. This is a cause of action arising under the Patent Laws of the United States, Title 35 United States Code, and this court has jurisdiction thereof pursuant to Title 28 United States Code, Section 1338(a). Venue is proper under Title 28 United States Code, Section 1400(b).

5. Plaintiff is the owner of United States Letters Patent No. Des. 217,942, issued June 30, 1970, entitled "Ashtray", which patent was duly and legally issued by the United States Patent Office.

6. Defendants have knowingly, deliberately, and willfully infringed and still are knowingly deliberately, and willfully infringing Patent No. Des. 217,942 within this judicial district by making, using and/or selling therein and elsewhere ashtrays embodying the invention defined by the claim of said patent, without the authority or permission of the plaintiff, and will continue to do so unless enjoined by this court.

7. Defendants, by their actions, have caused Plaintiff irreparable damage and will continue to do so unless further infringement is enjoined by this Court.

8. Defendants have had notice of Patent No. Des. 217,942 in accordance with Title 35 United States Code 287.

WHEREFORE, PLAINTIFF PRAYS:

1. That defendants, and those acting under and for defendants, be both temporarily and permanently enjoined from further infringement of the said Patent No. Des. 217,942;

2. That defendants be required to account for their profits due to said infringement;

3. That, by reason of the willful and deliberate nature of defendants' infringement, the compensatory damages awarded plaintiff be trebled and that defendants be ordered to pay plaintiff's attorney's fees; and



4. That plaintiff be awarded such other and further relief as the Court may determine just and proper together with costs and disbursements of this action.

BREITENFELD & LEVINE

By

*Alan H. Levine*

Attorneys for Plaintiff  
350 Fifth Avenue  
New York, N.Y. 10001  
239-4162

J. J. Murphy

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

FILED  
U.S. DISTRICT COURT  
FEB 2 10 10 AM '73  
S.D. OF N.Y.

-----X  
LANCASTER COLONY CORPORATION :

Plaintiff :

vs. :

72 Civ. 5038

ALDON ACCESSORIES LTD. and  
ROYAL LONDON LTD. :

Defendants :

-----X  
ANSWER TO COMPLAINT

Defendants, in answer to Plaintiff's Complaint, state as follows:

1. Defendants are without information sufficient to form a belief as to the allegations of paragraph 1 and therefore deny the same.

2. Defendant ALDON ACCESSORIES LTD. admits the allegations of paragraph 2 of the Complaint.

3. Defendant ROYAL LONDON LTD. admits the allegations of paragraph 3 of the Complaint except that Defendant's place of business is at 16 West 33rd Street, New York, New York 10001.

4. Defendants admit the allegation of paragraph 4 of the Complaint.

5. Defendants deny the allegations of paragraph 5 of the Complaint.

6. Defendants deny the allegations of paragraph 6 of the Complaint.

(5)



7. Defendants deny the allegations of paragraph 7 of the Complaint.

8. Defendants are without information sufficient to form a belief as to the allegations of paragraph 8 of the Complaint except that Defendants admit that by a letter dated August 16, 1972 the Defendant ALDON ACCESSORIES LTD. was notified of the alleged claim of infringement by the Plaintiff.

AFFIRMATIVE DEFENSES

Further answering the Complaint Defendants aver as follows:

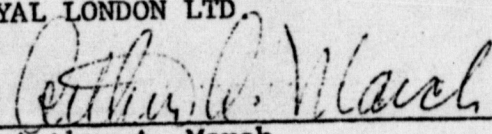
9. Patent No. Des. 217,942 is invalid for failure to comply with the requirements for patentability set forth in Title 35 United States Code and, particularly, Sections 101, 102, 103, 112 and 115 thereof.

WHEREFORE DEFENDANTS PRAY:

- a) That the Complaint herein be dismissed with prejudice,
- b) For an award of costs and reasonable attorney's fees, and
- c) For such other and further relief as this Court may deem just.

ALDON ACCESSORIES LTD. and  
ROYAL LONDON LTD.

By

  
Arthur A. March  
Attorney for Defendants  
25 West 43rd Street  
New York, N. Y. 10036  
Telephone: 212-736-0136

Dated:  
New York, N. Y.  
January 25, 1973

SOUTHERN DISTRICT OF NEW YORK

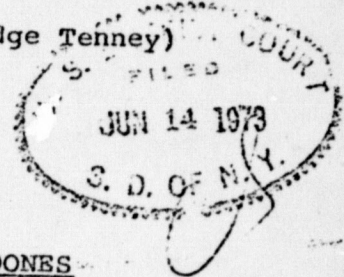
----- X  
LANCASTER COLONY CORPORATION :

Plaintiff : Civil Action

v. : No. 72 Civ. 5038

ALDON ACCESSORIES LTD. and : (Judge Tenney)  
ROYAL LONDON LTD. :

Defendants :  
-----X



AFFIDAVIT OF THOMAS SCOONES

STATE OF NEW YORK )  
: SS.:  
COUNTY OF NEW YORK )

THOMAS SCOONES, being sworn, deposes and says:

1. I am the assistant to the general manager of the Pitman-Dreitzer Division of Lancaster Colony Corporation, and make this affidavit in support of plaintiff's Motion for Summary Judgment.
2. I have been associated with plaintiff for over 6 years and during this period my responsibilities have included the promotion and sales of ashtrays embodying the design set forth in Design Patent D217,942.
3. Since 1969, plaintiff has sold the patented ashtrays, exclusively, to Alfred Dunhill Ltd., a company having stores in the major cities of the United States, e.g., New York, Chicago, and San Francisco. Alfred Dunhill enjoys the reputation, on both a retail and wholesale level, of being a seller which carries quality merchandise embodying unique and highly original designs. Annexed hereto as Exhibit B is a copy of the Dunhill catalog illustrating plaintiff's ashtray on page 15 and showing its selling price on page 14.



4. Alfred Dunhill sells the patented ashtrays, on a wholesale basis, to such fine retail stores as Georg Jensen, and on a retail basis sells the ashtrays in its own retail stores and via mail order catalogs.


5. Between the years 1969 and 1972, plaintiff has sold 9,042 ashtrays to Alfred Dunhill at a total price of \$107,015 dollars. Of this amount, 4,962 ashtrays were sold in 1972 for \$61,899 dollars.

6. In the fall of 1972, I was advised by Mr. Robin Weir, Dunhill's principal buyer, that defendants were selling an ashtray embodying Lancaster Colony's design. Mr. Weir noted that defendant's ashtray was smaller and, consequently, less expensive than that produced by Lancaster. He expressed his concern that if defendants advertised their ashtrays by merely showing a picture of the ashtray and its price, such advertising would interfere with Dunhill's ability to sell the plaintiff's ashtrays and would damage Dunhill's reputation. He was concerned that customers would be led to believe that they could purchase the same ashtrays sold by Dunhill for a lower price from defendants.

7. An advertisement published by defendants illustrating their ashtray is annexed hereto as Exhibit C. It will be seen that defendants advertise their ashtrays by showing a picture of the item and its price.

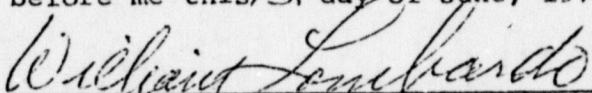
8. Since my conversation with Mr. Robin Weir, plaintiff has sued defendants for infringement of its patent and has notified Dunhill of the action taken. However, Dunhill has not purchased any more ashtrays and Mr. Michael Walters, now Dunhill's principal buyer, continues to enquire what progress we are making with this suit.

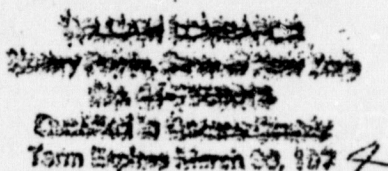
9. I do not know of any facts or circumstances, other than defendants' manufacture and sale of ashtrays embodying plaintiff's design, which would interfere with the business relationship between plaintiff and Alfred Dunhill. Therefore, I believe that plaintiff's sales have been adversely affected by defendants' making and selling ashtrays embodying plaintiff's patented design, and urge this court to grant plaintiff's Motion for Summary Judgment.

  
THOMAS SCOONES

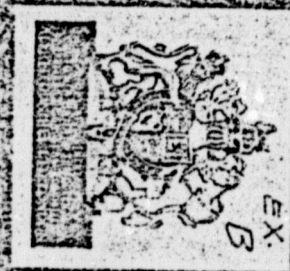
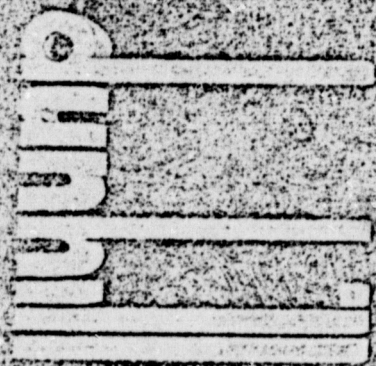
Sworn to and subscribed

before me this 15<sup>TH</sup> day of June, 1973.

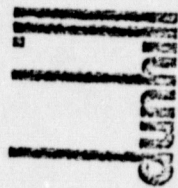
  
Notary Public

  
Notary Public, State of New York  
No. 44-550073  
Qualified to Perform Notary Public Duties  
Term Expires March 30, 1977



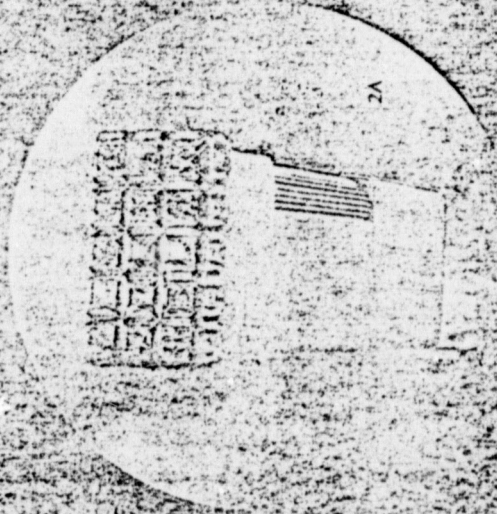


EXHIBIT

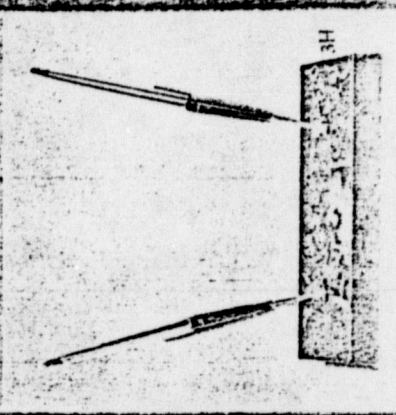
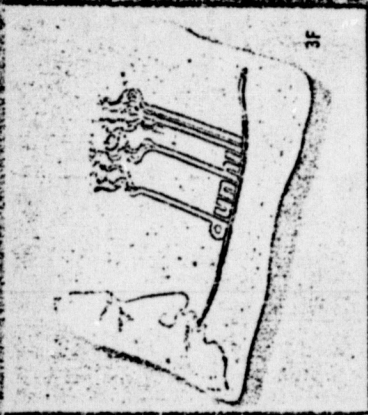
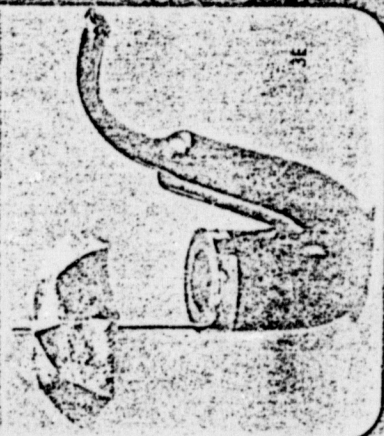
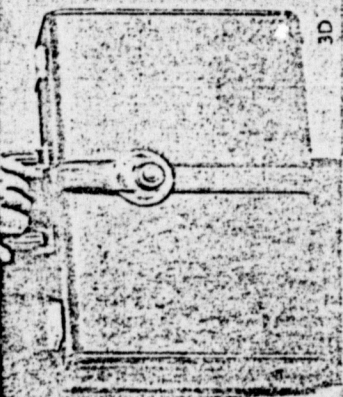
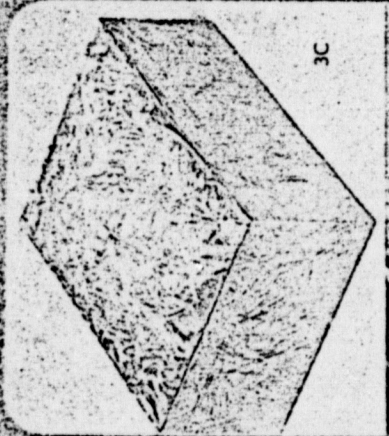
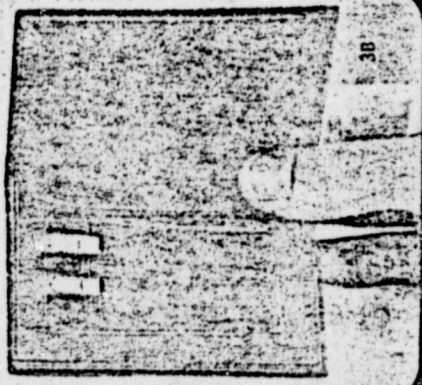
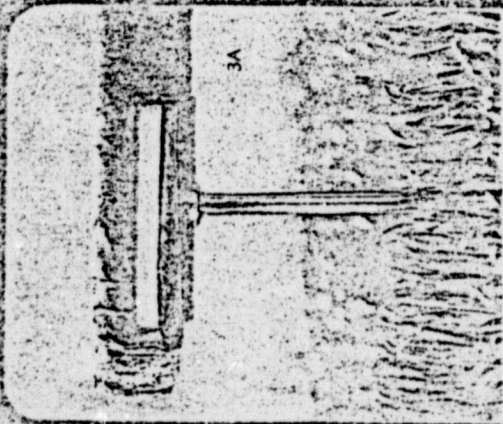


- 2A—Dunhill Platinum Jacketed Rollagas lighter with Pavé Diamond top ..... 3,250.00
- 2B—Dunhill Platinum felt-tip Pen with Pavé Diamond top ..... 1,950.00
- 3A—For the Cigar Smoking Golfer a 14 Kt Gold Golf Tee Cigar Holder ..... 115.00  
Also available in Sterling Silver ..... 25.00  
*Design Copyright*
- 3B—Platinum Collar Stays in Pinseal Leather Carrying Case ..... 185.00
- 3C—9 Kt Gold Cigar Humidor in the manner of Faberge with Lapis Lifter  
11 1/4" x 8 1/4" x 3 1/4" ..... 10,500.00
- 3D—Dunhill Attache Case with removable underarm Folio and pre-set dial type Combination Lock. Black Hide ..... 285.00  
*Design Patent Pending*
- 3E—Dunhill Rain Pipe with 18 Kt Gold Umbrella that slips off for fine days ..... 835.00
- 3F—Ceramic Ash Tray designed by Fornasetti of Milano ..... 7.50
- 3G—Brass Tree Sculpture on Stone Base. Created by Albert Guhrta of California. Approximately 9" high ..... 125.00
- 3H—Malachite Pen Base with two Parker Pens in 14 Kt Gold ..... 395.00  
Also available in Lapis ..... 395.00

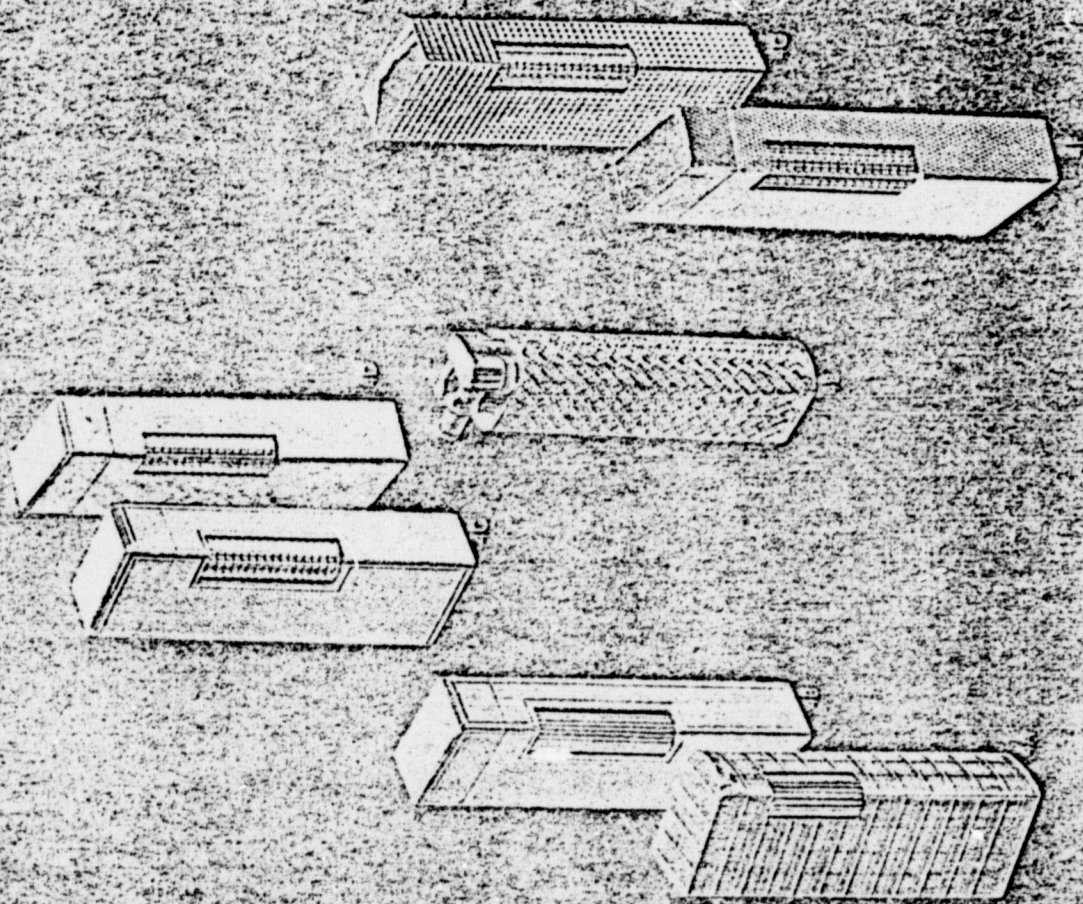
Mail and phone, outside our delivery area items shipped prepaid.  
Add sales tax where required



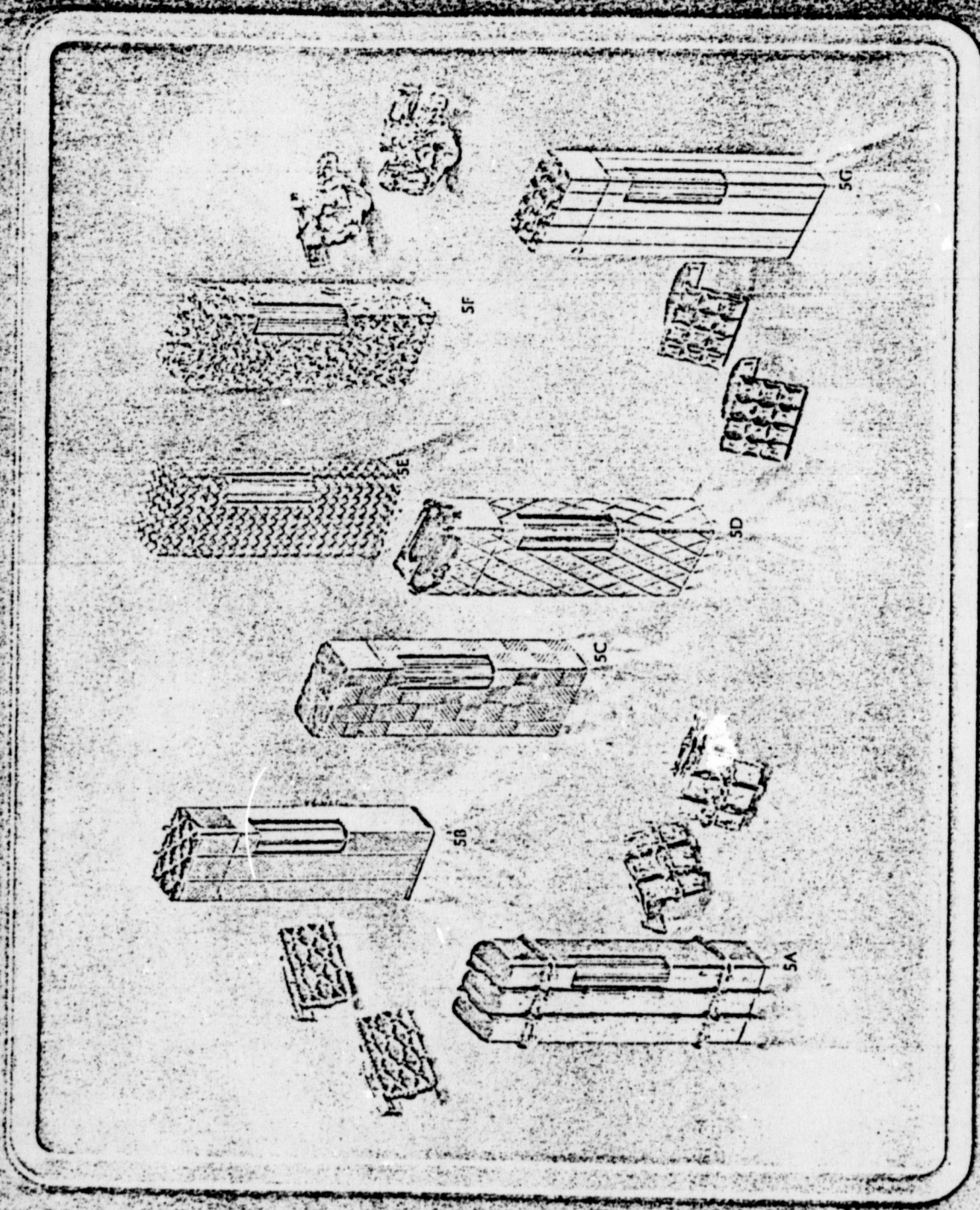




4A—Dunhill Sterling Silver Aldunil  
 Lighter Tartan design ..... 230.00  
 4B—Dunhill 14 Kt Gold Jacketed  
 Rollagas lighter—Foxhead  
 design ..... 310.00  
 4C—Dunhill 14 Kt Gold Jacketed  
 Rollagas lighter—Barleycorn  
 design ..... 310.00  
 4D—Dunhill 14 Kt Gold Jacketed  
 Rollagas lighter—Florentine  
 design ..... 310.00  
 4E—Dunhill Sylphide Lighter in  
 Vermil (Gold plated Sterling  
 Silver) ..... 285.00  
 Sterling Silver ..... 240.00  
 4F—Dunhill Barleycorn design  
 Rollagas lighter with Lapis inlay.  
 Gold Plate ..... 77.50  
 4G—Dunhill Hobnail design  
 Rollagas lighter with Malachite  
 Inlay. Gold Plate ..... 77.50  
 5A—Dunhill 18 Kt White Gold  
 Jacketed Rollagas lighter with Lapis  
 and Yellow Gold Bamboo overlay  
 design ..... 1,100.00  
 Matching 18 Kt Cufflinks ..... 340.00  
 5B—Dunhill 18 Kt Gold Jacketed  
 Rollagas Lighter with Lattice design  
 over Lapis top ..... 895.00  
 Matching Cufflinks ..... 270.00  
 5C—Dunhill 18 Kt Gold Jacketed  
 Rollagas Lighter with Malachite  
 top ..... 825.00  
 5D—Dunhill 18 Kt Gold Jacketed  
 Rollagas Lighter with Topaz Quartz  
 top ..... 1,100.00  
 5E—Dunhill 18 Kt Woven Gold Jacketed  
 Rollagas lighter.  
 White Gold ..... 575.00  
 Yellow Gold ..... 555.00  
 5F—Dunhill 18 Kt Nugget Gold Jacketed  
 Rollagas lighter ..... 665.00  
 Matching 14 Kt Cufflinks ..... 250.00  
 5G—Dunhill 18 Kt Gold Jacketed  
 Rollagas Lighter with Pavé Diamond  
 Top ..... 1,250.00  
 With Matching Cufflinks ..... 930.00  
 Mail and phone, outside our delivery  
 area items shipped prepaid except add  
 \$1.00 for 4F and 4G.  
 Add sales tax where required.

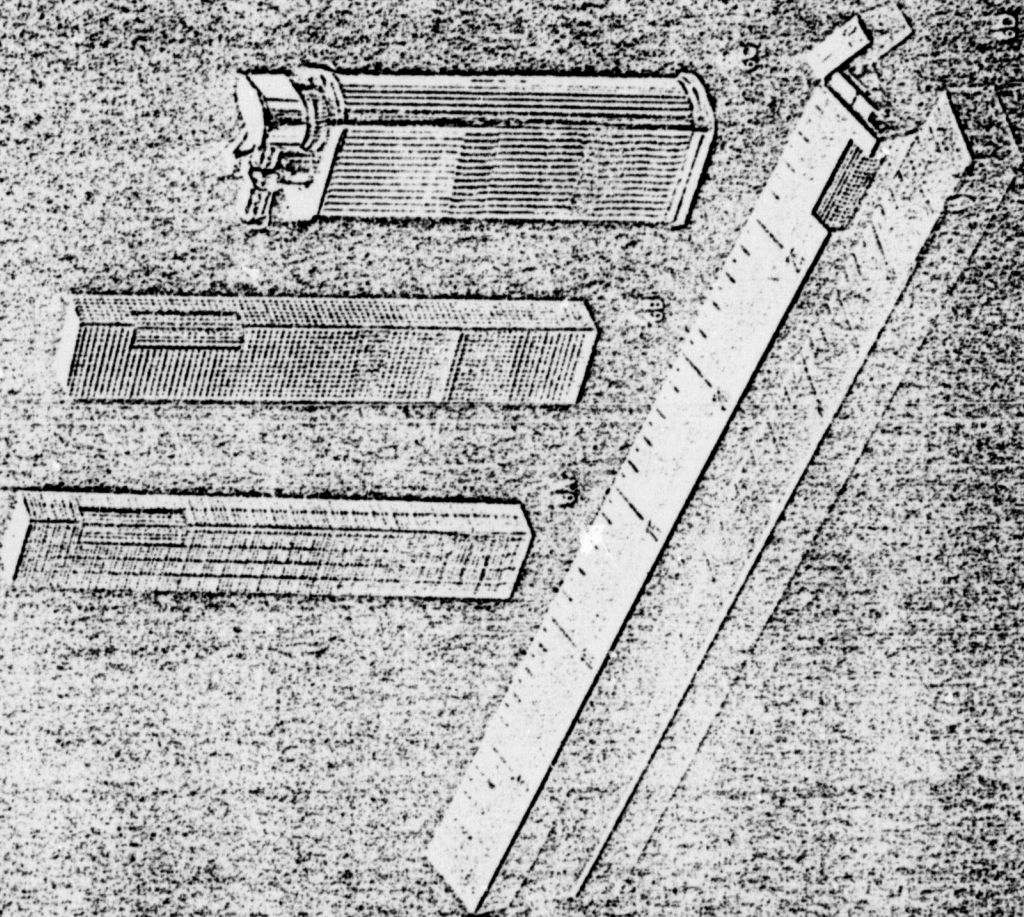




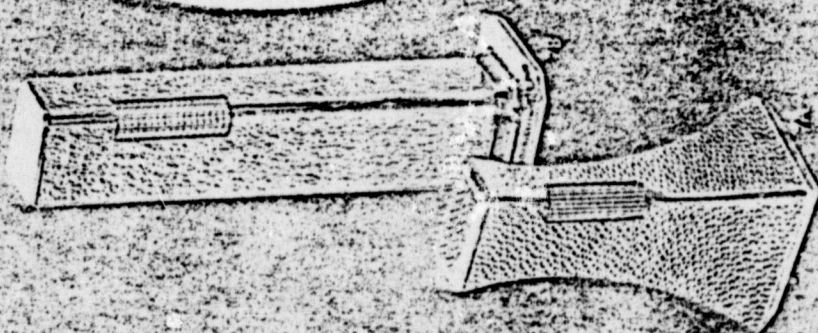
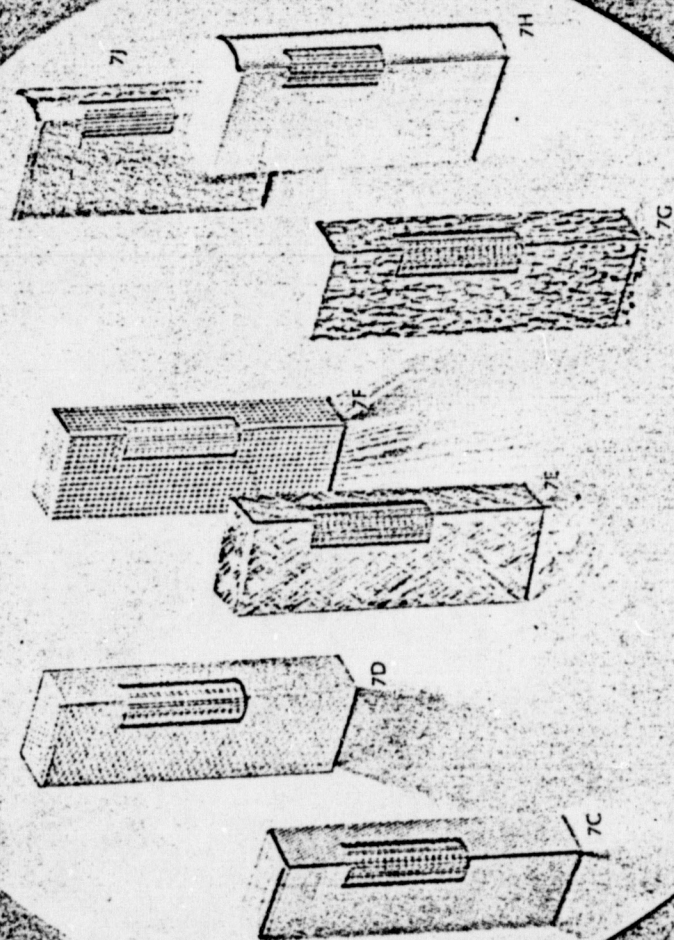


- 6A—Dunhill Longboy Table Lighter.  
5" long, Gold Plate ..... 65.00  
Silver Plate ..... 75.00  
6B—Dunhill Longboy Table Lighter.  
5" long, Gold Plate ..... 85.00  
Silver Plate ..... 75.00  
6C—Dunhill Giant Sylphide Gas Table  
Lighter, 4 1/2" high, Sterling Silver ..... 360.00  
Vermorel (Gold plated Sterling  
Silver) ..... 460.00  
6D—Dunhill Rulerlike Gas Table  
Lighter, 12" long, calibrated in inches  
on one side and centimeters on the  
other. Gold Plate ..... 110.00  
Silver Plate ..... 100.00  
7A—Dunhill Wheatheaf Table  
Lighter, 3" high, Gold Plate ..... 95.00  
Silver Plate ..... 85.00  
7B—Dunhill Tallboy Lighter, 4 1/4"  
high, Nugget design, Gold Plate 85.00  
Silver Plate ..... 80.00  
7C—Dunhill Barleycorn design  
Rollagas lighter, Gold Plate ..... 57.50  
Silver Plate ..... 52.50  
7D—Dunhill Basket Weave design  
Rollagas lighter, Gold Plate ..... 57.50  
Silver Plate ..... 52.50  
7E—Dunhill Florentine design  
Rollagas lighter, Gold Plate ..... 57.50  
Silver Plate ..... 52.50  
7F—Dunhill Hobnail design Rollagas  
lighter, Gold Plate ..... 57.50  
Silver Plate ..... 52.50  
7G—Dunhill Bark design Rollagas  
lighter, Gold Plate ..... 62.50  
Silver Plate ..... 57.50  
7H—Dunhill Barleycorn design 70  
Lighter, Gold Plate ..... 97.50  
Silver Plate ..... 92.50  
7I—Dunhill Nugget design 70  
Lighter, Gold Plate ..... 97.50  
Silver Plate ..... 92.50

Mail and phone, outside our delivery  
area add \$1.00 for each item.  
Add sales tax where required.





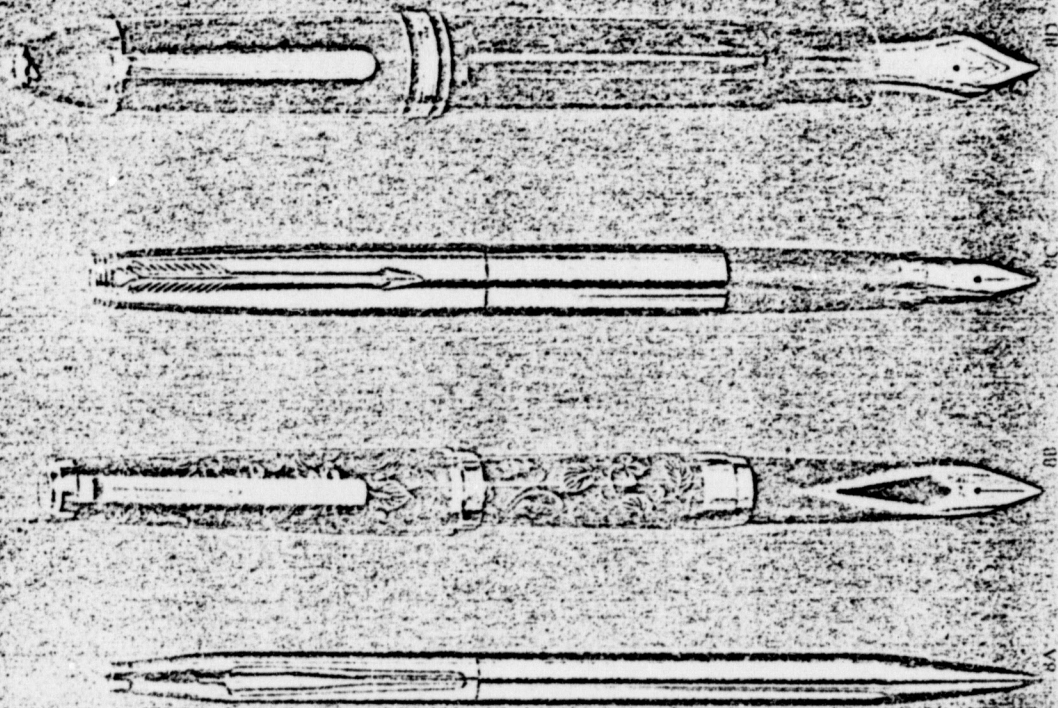


8A—Cross 14 Kt Gold Ballpoint Pen ..... 50.00  
 Matching 14 Kt Gold Pencil ..... 50.00  
 8B—Sheaffer Signed Limited Edition Pen in Teak with Gold Inlay design. Available with fine, medium or broad points ..... 475.00  
 8C—Parker 11 Kt Gold Pen. Available with fine, medium or broad points ..... 150.00  
 8D—Mont Blanc Diplomat Fountain Pen. Available with fine, medium broad or double broad points ..... 44.00  
 9A—Dunhill Ladies Sterling Silver Felt-Tip pen with Lapis Top ..... 35.00  
 with Malachite Top ..... 35.00  
 9B—Dunhill Ballpoint Pen in Florentine design. In 14 Kt Gold ..... 125.00  
 In Sterling Silver ..... 27.50  
 9C—Dunhill Felt-Tip Pen in Florentine design. In 14 Kt Gold ..... 125.00  
 In Sterling Silver ..... 27.50  
 9D—Dunhill Fountain Pen In Sterling Silver ..... 40.00  
 In 1/30 14 Kt Rolled Gold Plate ..... 40.00  
 Available with fine, medium, broad or double broad points.  
 9E—Dunhill Ballpoint Pen In Sterling Silver ..... 22.50  
 In 1/30 14 Kt Rolled Gold Plate ..... 22.50  
 9F—Dunhill Felt-Tip Pen. In Sterling Silver ..... 22.50  
 In 1/30 14 Kt Rolled Gold Plate ..... 22.50  
 9G—Dunhill Jumbo Felt-Tip Pen In Sterling Silver ..... 35.00  
 In 1/30 14 Kt Rolled Gold Plate ..... 35.00

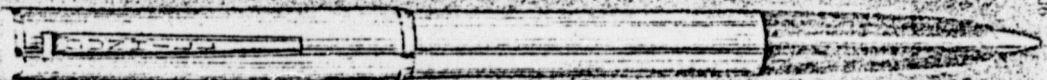
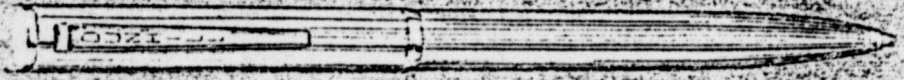
#### REFILLS

Felt-Tip Pens—blue, black, green or red ..... Each 75¢  
 Ballpoint Pens—medium or fine, blue or black ..... Each 75¢

Mail and phone, outside our delivery area add 75¢ for each item.  
 Add sales tax where required.







10A—Dunhill Roll-up Tobacco Pouch  
In butter-soft Lambskin. Lined in  
leather and latex.  
In black or brown .....11.50

10B—Dunhill Pipe Smoker's Knife in  
stainless Steel .....10.00

10C—Dunhill Pipe in Shell finish .55.00

10D—Dunhill Pipe in the New  
Redbark finish .....55.00

10E—Dunhill Shell Pipe with 9 Kt  
Nugget Gold Band .....135.00

10F—Dunhill Tobacco Sampler Chest  
contains twelve 2-ounce tins of  
Dunhill imported tobacco .....22.00

10G—Dunhill Butcher Block Tobacco  
Humidor with clay Moistener  
5 1/4" square and 7 1/2" tall .....30.00

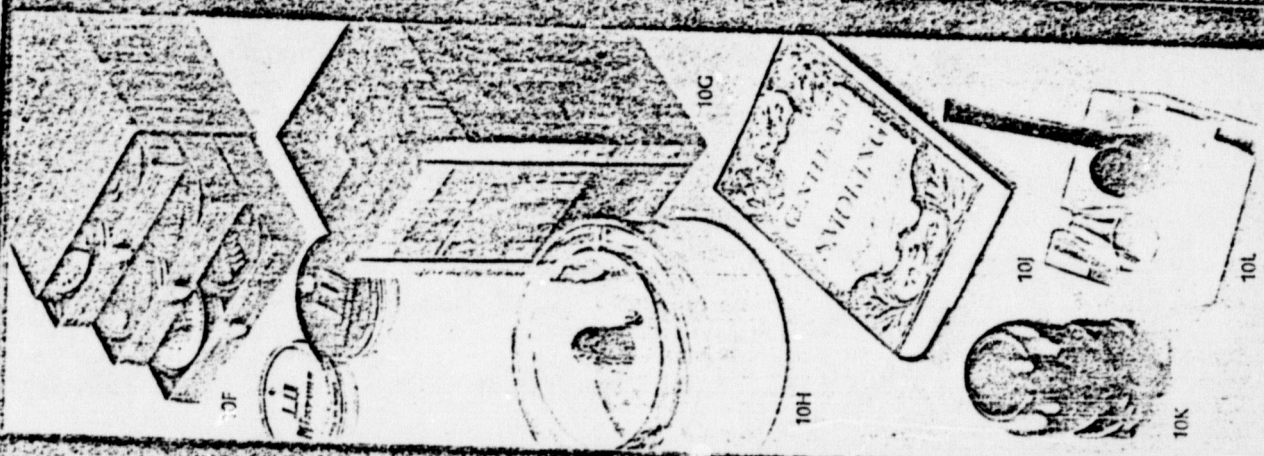
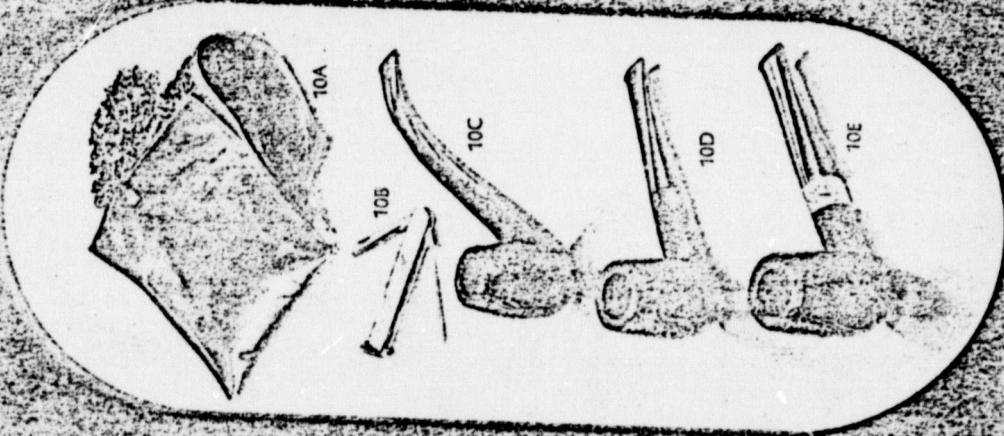
10H—Dunhill Crystal Pipe Knock-  
er Asi. Tray 7 1/2" in diameter.....17.50

10J—Alfred Dunhill's famous "Gentle  
Art of Smoking" ..... 7.50

10K Dunhill Walnut Pipe Rest...10.00

10L—Dunhill Crystal Pipe Rest  
for two pipes .....14.00  
for one pipe (not shown)..... 8.70

M<sup>rs.</sup> and phone, outside our delivery  
area, \$1.00 for each item except  
pipes. \$1.00 for 10F, 10G and 10H.  
Add sales tax where required.





# **MONTECRUZ® CIGARS**

Ultra select cigars, handmade for Dunhill in the Canary Islands by the owners of famous Montecristo & H. Upmann Havana cigars. Choose Sun Grown or Double Claro wrappers.

No. 220, Standard, 5½" long. Box of 25, 17.50

No. 230, Standard, 5" long. Box of 25, 15.00

No. 250, Medium, 6½" long. Box of 25, 18.75

No. 265, Medium, 5½" long. Box of 25, 15.00

No. 281, Slim, 6" long. Box of 25, 12.50

Tubulares, Medium, 6" long in aluminum tubes. Box of 25, 17.50

## **NOT SHOWN:**

No. 200, Standard, 7¼" long. Box of 10, 11.00

No. 205, Standard, 7" long. Box of 25, 23.75

No. 210, Standard, 6½" long. Box of 25, 20.00

No. 240, Standard, 4¾" long. Box of 25, 13.75

No. 255, Medium, 7" long. Box of 25, 20.00

No. 260, Medium, 5" long. Box of 25, 15.00

No. 270, Medium, 4¾" long. Box of 50, 20.00

No. 280, Slim, 7" long. Box of 25, 15.00

No. 282, Slim, 5" long. Box of 25, 10.00

Tubos, Standard, 6" long in aluminum tubes. Box of 25, 20.00

Amatistas, Medium, 5¾" long. Glass jar of 50, 40.00

Mail and phone, outside our delivery area add 90¢ for each item.

Add sales tax where required.

Tubulares

No. 281

No. 265

No. 250

No. 230

No. 220

## DON DIEGO CIGARS

Handmade of choice vintage leaf in the tradition of the famous H. Upmann Havana cigars. Choose American Market Selection or English Market Selection.

No. 3, Standard, 5½" long.  
Box of 25, 15.75  
No. 4, Standard, 5" long.  
Box of 25, 13.25  
No. 22, Medium, 6" long  
in aluminum tubes. Box of 25, 15.75

### NOT SHOWN:

No. 1, Standard, 6½" long.  
Box of 25, 18.25  
No. 5, Standard, 4¾" long.  
Box of 25, 12.75  
No. 6, Medium, 6½" long.  
Box of 25, 17.00  
No. 7, Medium, 5" long.  
Box of 25, 13.25  
No. 8, Medium, 4¾" long.  
Box of 50, 16.50

## FLOR DE A. ALLONES CIGARS

Made from extra mild vintage tobaccos grown from choice Cuban seed planted in Central America. Choose Double Claro or English Market Selection.

No. 23, Medium, 6¾" long.  
Box of 25, 12.50  
No. 56, Slim, 7" long. Box of 50, 20.00  
No. 240, Medium, 5¾" long.  
Box of 25, 10.00

### NOT SHOWN:

No. 15, Standard, 5½" long.  
Box of 25, 17.50  
No. 25, Standard, 5" long.  
Box of 25, 12.50  
No. 50, standard, 6¼" long.  
Box of 25, 18.75  
No. 65, Slim/tip, 4¾" long.  
Box of 50, 17.50  
No. 89, Slim, 5¾" long.  
Box of 50, 17.50

Mail and phone, outside our delivery area add 90¢ for each item.  
Add sales tax where required.

No. 240

No. 56

No. 23

No. 22

No. 4

No. 3



Romeo



No. 8

SHAKESPEARE



RC MECO

No. 1



No. 3



No. 16



## SHAKESPEARE® CIGARS

Made of premium vintage tobaccos for unsurpassed smoking pleasure for the educated palate. Choose Double Claro or English Market Selection.

No. 6, Slim, 5 1/4" long. Box of 50, 17.50

No. 8, Standard, 5 1/4" long. Box of 25, 10.25

Romeo, Medium, 6 3/4" long in aluminum tubes. Box of 25, 13.75

### NOT SHOWN:

No. 4, Medium, 6 1/4" long. Box of 25, 15.00

No. 5, Medium, 5 3/4" long. Box of 25, 10.25

No. 9, Medium, 5" long. Box of 25, 7.75

## TEMPLE HALL CIGARS

Jamaica's finest handmade cigars crafted under the supervision of the former manufacturer of the world renowned Havana cigars Partagas and Ramon Allones. Choose Double Claro or English Market Selection.

No. 1, Standard, 6 1/2" long. Box of 25, 20.00

No. 3, Standard, 5 1/2" long. Box of 25, 17.50

\* No. 16, Medium, 6 3/4" long. Box of 25, 17.50

### NOT SHOWN:

No. 7, Medium, 5 1/2" long. Box of 25, 15.00

No. 14, Slim, 7 3/4" long. Box of 25, 15.00

\* No. 17, Medium, 6" long. Box of 25, 16.25

\* English Market Selection only.

Mail and phone, outside our delivery area add 90¢ for each item. Add sales tax where required.

14A—Dunhill Presentation Snuff Starter Set consists of six quarter ounce bottles of Snuff, six Handkerchiefs, six Snuff Pots to carry snuff in your pocket, and a leaflet describing history, manufacture and how to use Snuff by Richard Dunhill ..... 17.50

15A—Dunhill lead crystal Cigar Ashtray, 8½" long. In its own lined wooden presentation box ..... 39.50

15B—Dunhill Cigar Smoker's Ashtray in imported Onyx, 6½" long ..... 25.00

15C—Hand-rubbed solid Walnut Cigar Humidor with partitions for different sized cigars, 9½" x 7½" x 3¼" ..... 75.00

15D—Black Morocco Cigar Humidor with Smoked Glass Top 10½" x 8½" x 5½" ..... 85.00

15E—Cigar Humidor in Gold Tooled Leather, Black or Brown 11" x 8¼" x 4¼" ..... 37.50

15F—14 Kt Gold pocket Cigar Cutter Fabergé Style ..... 105.00

15G—14 Kt Gold pocket Cigar Cutter ..... 105.00

15H—Cigar Humidor in exotic Kamagoma Wood 11½" x 9" x 3½" ..... 95.00

15J—Stag Horn Cigar Cutter ..... 26.00

15K—Black Leather sided Cigar Cutter, 13.00

15L—Stag Point Cigar Cutter ..... 32.00

15M—Stag sided Cigar Cutter ..... 8.00

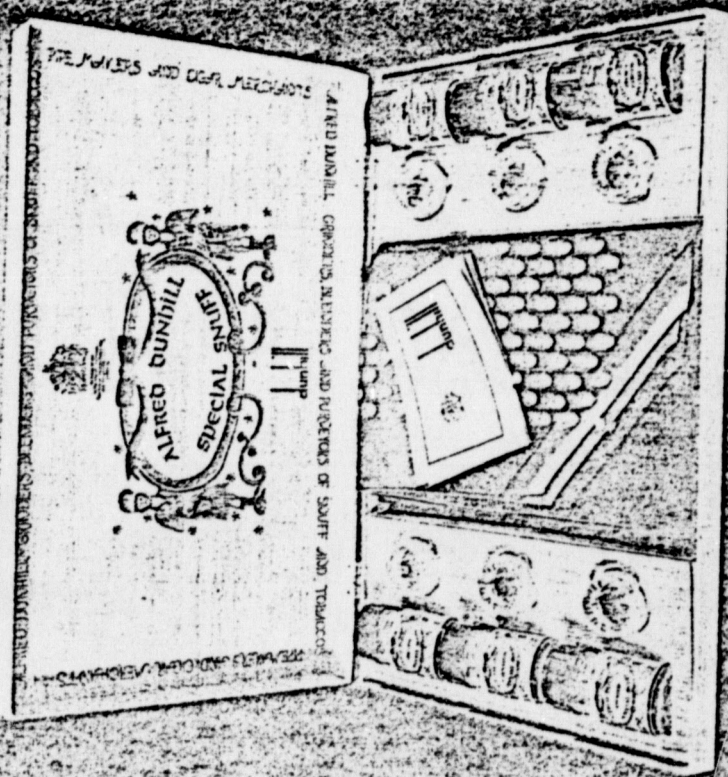
Mail and phone, outside our delivery

area add \$1.50 for each item ... except

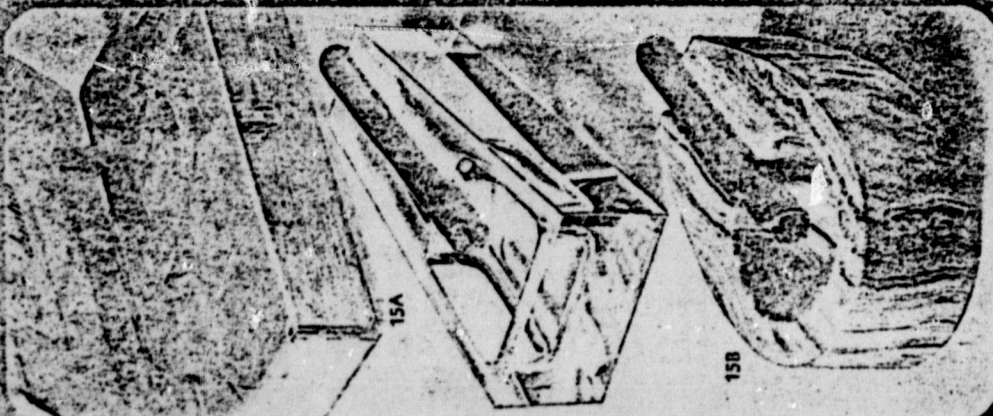
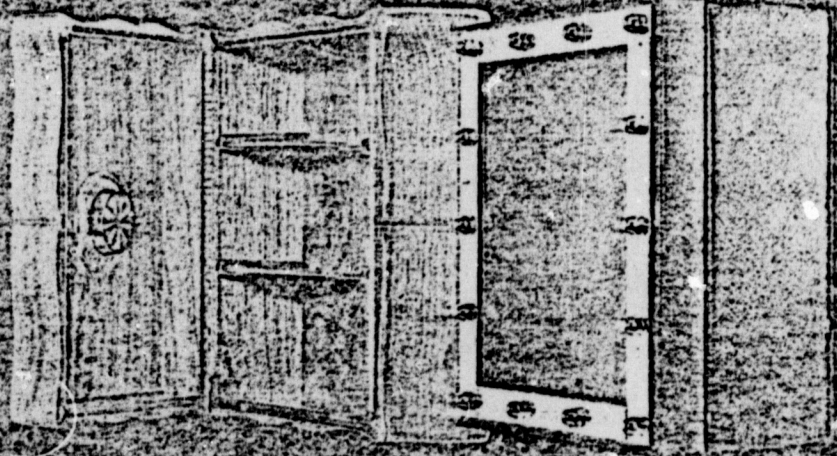
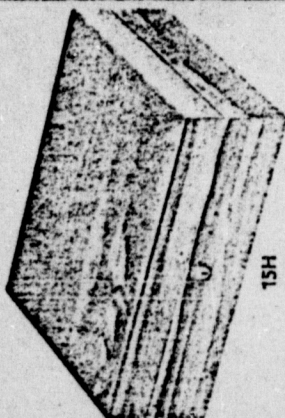
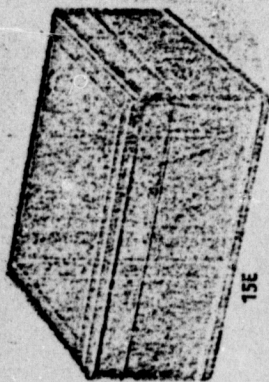
15A & 15B which are \$2.00

and cigar cutters \$1.00.

Add sales tax where required.



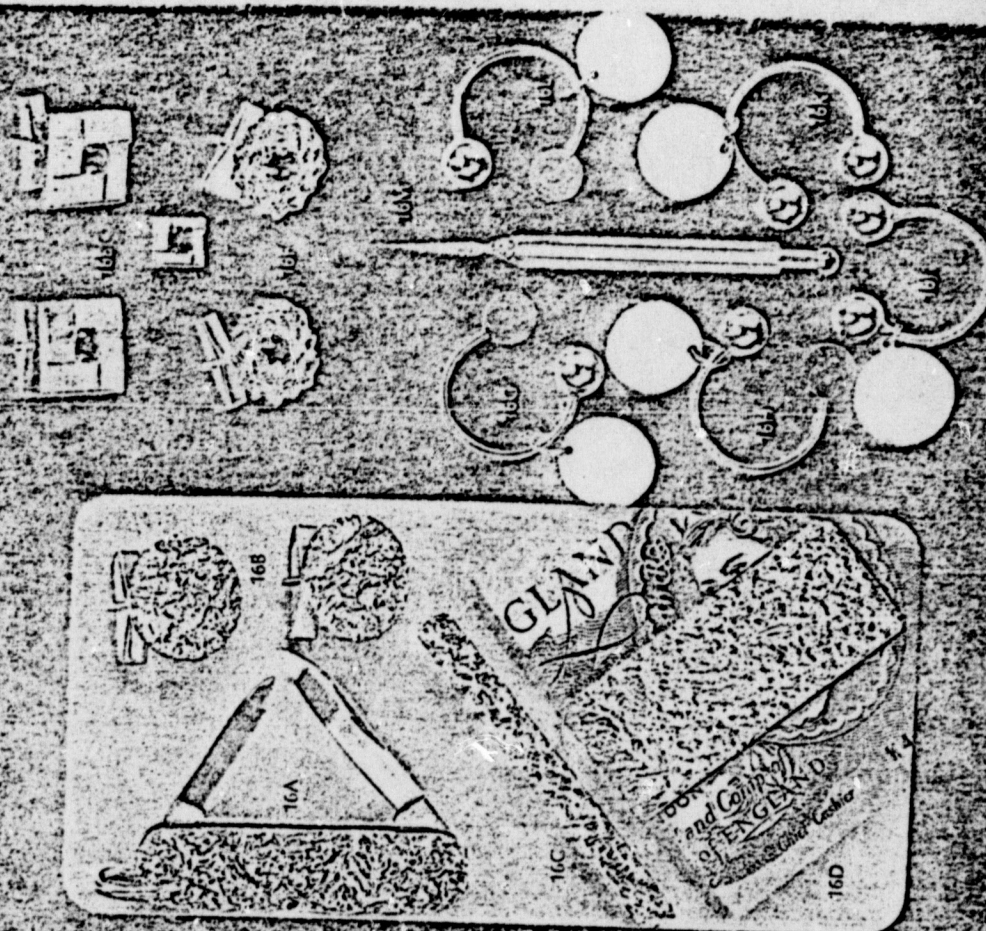




"Golden Nugget" design 14 Kt gold.

16A—Penknife .....	135.00
16B—Cufflinks .....	105.00
16C—Tie Bar .....	95.00
16D—Money Clip .....	170.00
16E—Square Criss Cross design Cufflinks 14 Kt Gold .....	102.50
Matching Tie Tack .....	16.50
16F—Rope design Cufflinks with Black Star Sail pires .....	80.00
Horseshoe Key Rings with Disc .....	11.00
16G—Sterling Silver with Blue Agate .....	11.00
16H—Sterling Silver with Onyx .....	57.50
16I—14 Kt Gold .....	7.00
16K—Sterling Silver .....	15.00
16L—Sterling Silver with Malachite .....	40.00
Engraving: 50 cents per letter.	
16M—Drop Action Toolpick 14 Kt Gold .....	8.50
17A—14 Kt Gold Identity Disc. Stamping to 16 spaces per line 5 lines included in price. 125.00	
17B—Heart Key Ring with Tag. 14 Kt Gold 67.50	
Sterling Silver .....	6.50
17C—Split Key Ring with Tag 14 Kt Gold .....	60.00
Sterling Silver .....	6.50
17D—Double detachable Key Ring. 14 Kt Gold .....	108.00
Sterling Silver .....	10.00
Tie Tacks 14 Kt Gold .....	21.00
17E—Pine Cone .....	16.00
17F—Bumble Bee .....	21.00
17G—Fox .....	17.25
17H—Cat .....	42.50
17I—Road Runner .....	80.00
Ladies' Pins .....	47.50
17K—14 Kt Gold Sail Boat .....	75.00
17L—14 Kt Gold Lion .....	97.50
17M—14 Kt Gold Bumble Bee .....	47.50
17N—Circle of Pearls .....	135.00
17P—14 Kt Gold Pine Cone Cluster .....	100.00
17Q—14 Kt Gold Birds on Branch .....	60.00
"Bamboo" design 14 Kt Gold .....	100.00
17R—Belt Buckle .....	42.00
17S—Cufflinks .....	39.50
17T—Tie Slide .....	
17U—Money Clip .....	
Tie Slides for the Sportsman 14 Kt Gold .....	
17V—Fish Hook .....	
17W—Golf Club .....	

Mail and phone, outside our delivery area add \$1.00 for each item.  
Add sales tax where required.







10A—Famous Dunhill Four-In-One Diary Combination in its own handsome gift box. It's a Day, Wallet, Credit Card Case and Telephone Directory.

Black Pinseal/14 Kt Gold corners. 35.00  
Black Pinseal ..... 22.50  
Black Morocco ..... 12.50

19A—Multi Credit holds 6, 12 or 18 cards with removable center section enables you to carry whichever cards you want.

Black Pinseal ..... 28.00  
Black Morocco ..... 18.00  
Brown Harness ..... 18.50

19B—Magnetic Credit Card Holder. In Black Morocco with rolled gold corners ..... 13.50

19C—Hasty Note Pad holds standard 3"x5" cards. Black Pinseal with 14 Kt Gold corners ..... 35.00  
Without corners ..... 15.00

19D—Manicule Set Keyring. Black or red leather case holds stainless steel clippers, tweezers and file. .... 10.50

19E—Pinseal Billfold with Lizard trim pockets and 14 Kt Gold corners. 35.00  
Without corners ..... 20.00

19F—Removable Moneyfold—Credit Card combination. Remove one carry either piece separately.

Black Pinseal ..... 15.00  
Black Morocco ..... 10.00  
Brown Harness ..... 10.50

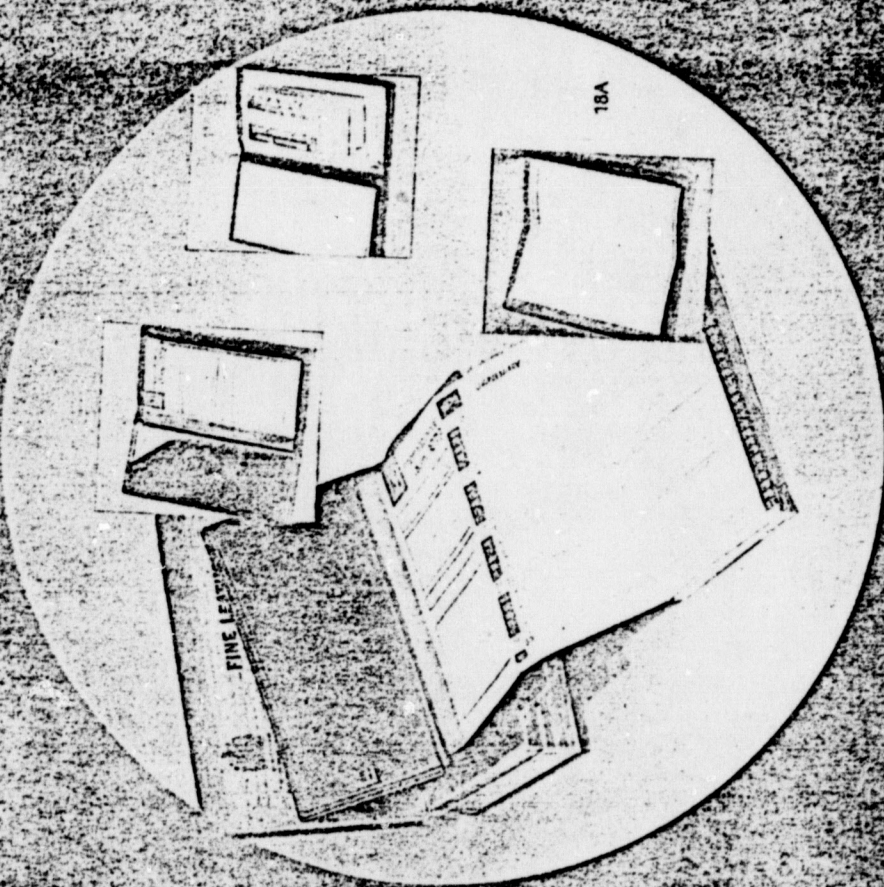
19G—Cigarette Case holds eleven 100 mm cigarettes.

Black Pinseal/red lining ..... 21.00  
Black Morocco/buff lining ..... 16.00  
Brown Rodio/buff lining ..... 17.00

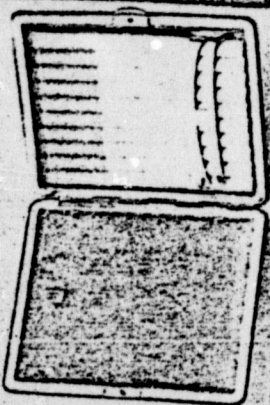
Also available for king size cigarettes.  
19H—Business card case with 14 Kt Gold corners ..... 20.00

19J—Passport case  
Black Morocco ..... 29.00  
Brown or red Buffalo ..... 29.00

Mail and phone, outside our delivery area add \$1.00 for each item.  
Add sales tax where required.



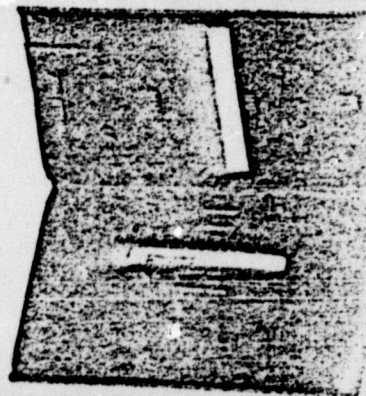




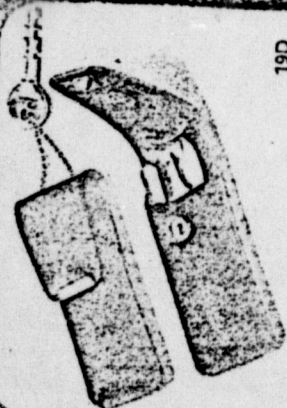
19G



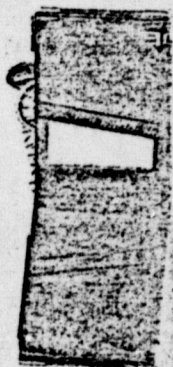
19H



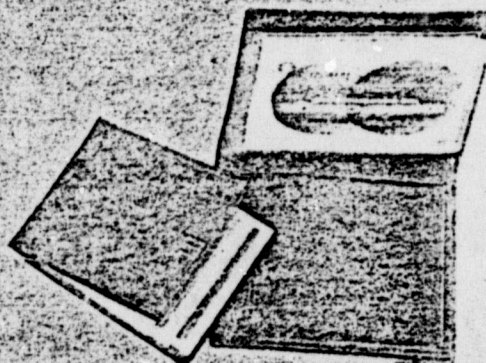
19J



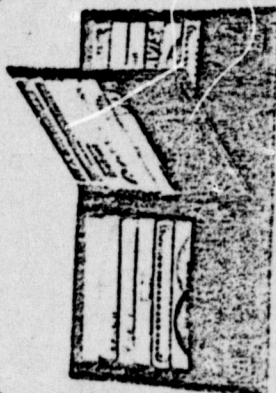
19D



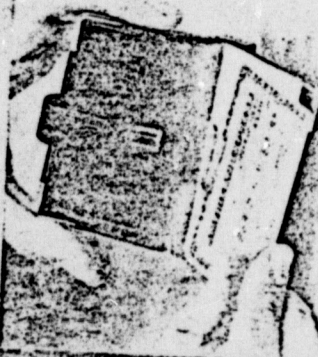
19E



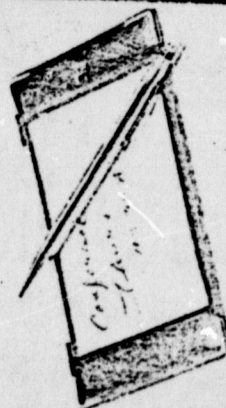
19F



19A

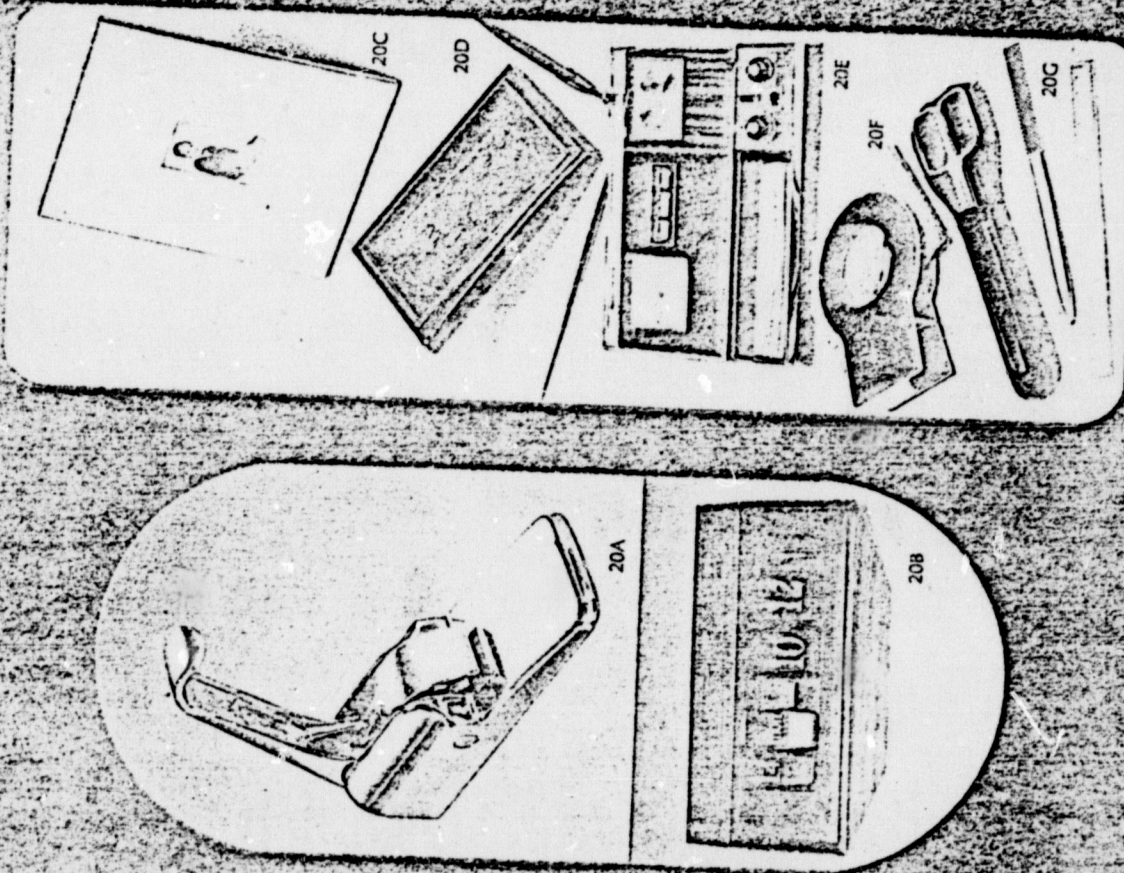


19B

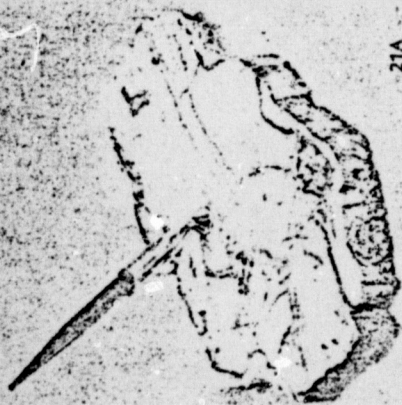


19C

20A—Paper Welder joins pages without clips or staples ..... 13.95  
 20B—Digital Desk Clock. Wood grain Case by Caslon ..... 31.00  
 20C—Postage Stamp Picture Frame is 8" x 10". Picture opening 2 1/2" x 3 1/2" ..... 10.00  
 Brushed Silver or Gold. By Burns ..... 12.50  
 20D—TV Guide Cover in Gold Tooled Black or Brown Leather ..... 12.50  
 20E—Combination AM/FM Radio-Alarm Clock Desk Set. Complete with Notepad, Parker ball point Pen and perpetual Calendar. By Abbott ..... 55.00  
 20F—Desk Paper Grip with Magnifying Glass. Brown Leather ..... 16.00  
 20G—Library Set—Gold Plated Scissors, Letter Opener and 8" Ruler in Black Leather Case. By Wusthof ..... 27.50  
 21A—Sheaffer Pen Base of Petrified Wood with Ballpoint Pen ..... 65.00  
 21B—Braun Table Lighter. Brushed Chrome ..... 30.00  
 Black ..... 25.00  
 21C—Original Boot Makers Last Bookends. Every pair different ..... 25.00  
 21D—Stars & Stripes Telephone—Can be fitted by your local telephone company for \$10-\$15 plus normal connecting charge. By American Telecommunications ..... 45.00  
 21E—Bull and Bear Lucite Imbedment bookends ..... 100.00  
 Random House Dictionary by Star Case ..... 23.00  
 Thesaurus by Star Case ..... 22.00  
 21F—"Book" Bookends in polished Brass by Philadelphia Metal ..... 17.50  
 21G—Puzzle Dictionary by Star Case ..... 27.00  
 21H—Set of 5 midget Dictionaries—English, German, French, Italian and Spanish by A. & M. ..... 12.00  
 21I—Bamboo Pencil Holder by Philadelphia Metal ..... 12.00  
 21J—Executive Bean Bag Pencil Holder and desk toy by A. & M. ..... 8.00  
 21K—Custom made Solid Walnut Name Pen Base with Parker Ballpoint Pen. 16 letters maximum. Allow minimum 3 weeks delivery ..... 60.00  
 21L—Buff Note Pad in brown Leather Holder by A. & M. 8" x 10" ..... 12.00  
 Refills ..... 4.00  
 Mail and phone, outside our delivery area add \$1.50 for each item.  
 Add sales tax where required.



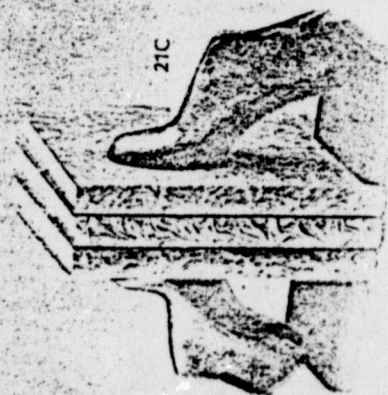




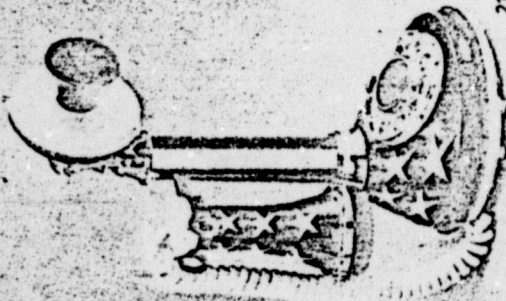
21A



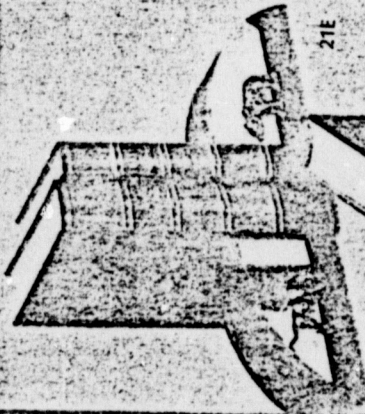
21B



21C



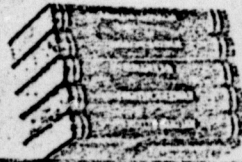
21D



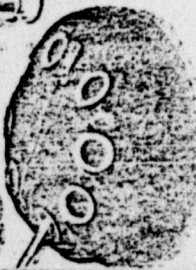
21E



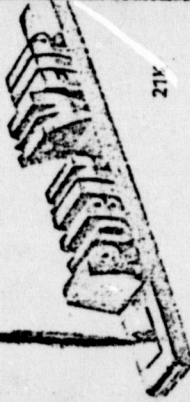
21F



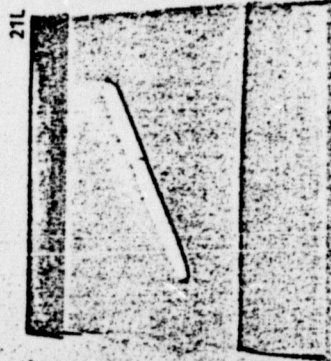
21G



21H



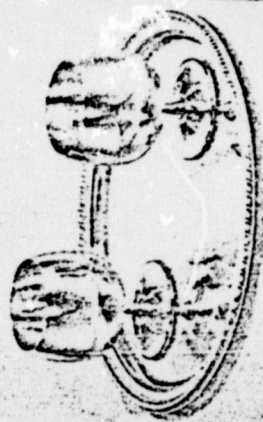
21I



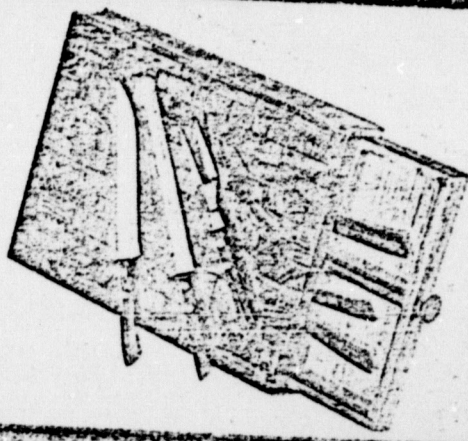
21J

Crystal Wine Glasses in 3 sizes:  
 22A—28 oz. Set of 8 .....22.50  
 22B—24 oz. Set of 8 .....22.50  
 22C—25 oz. Set of 8 .....22.50  
 22D—Silver Plated Brandy Set, 4 goblets  
 and tray in Presentation Case by  
 Eisenberg-Lozano .....32.00  
 22E—Butcher Block Chopping Board.  
 Drawer holds 5 assorted Knives and a  
 Fork. By Elco. Complete .....30.00  
 23A—Silver Plated Wine Taster with  
 Chain, by Eisenberg-Lozano .....7.50  
 23B—Silver Plated Brandy Glass  
 Warmer, complete with Large  
 Brandy Glass. By Adams .....10.50  
 23C—5" Silver Plated Coasters. Set  
 of Six, by Eisenberg-Lozano .....15.00  
 23D—On the Rocks, by Ebeling-Reuss.  
 Set of 6 .....36.00  
 23E—Hi Ball, by Ebeling-Reuss.  
 Set of 6 .....36.00  
 23F—"Pipe" Coasters designed for  
 Dunhill by Fornasetti. Set of 8 .....18.50  
 23G—Lead Crystal Wine Cooler/ Ice  
 Bucket. 9" high. By Ebeling-Reuss 28.00  
 23H—Wine Bottle Holder. Silver Plate.  
 By Eisenberg-Lozano .....22.50  
 23J—Lead Crystal Decanter by  
 Ebeling-Reuss .....70.00  
 Silver Plated, Wine and Water Goblets  
 by Eisenberg-Lozano.  
 23K—Red Wine .....Each 8.50  
 23L—Multi-Purpose .....Each 11.00  
 23M—Champagne .....Each 8.50  
 23N—Water Goblet .....Each 8.50  
 23P—Dunhill Tea Trio, English  
 Breakfast, Afternoon and Smoker's  
 Choice. Set .....10.95  
 23Q—Wine Rack in Black Metal,  
 42" x 12" x 6", holds 26 Bottles.  
 By Essex .....35.00  
 23R—Wine Rack in Black Metal  
 72" x 16" x 12", holds 67 bottles.  
 By Shaver-Howard .....90.00  
 23S—Wine Rack Box, 25" x 17" x 9",  
 holds 24 bottles. By Essex .....45.00

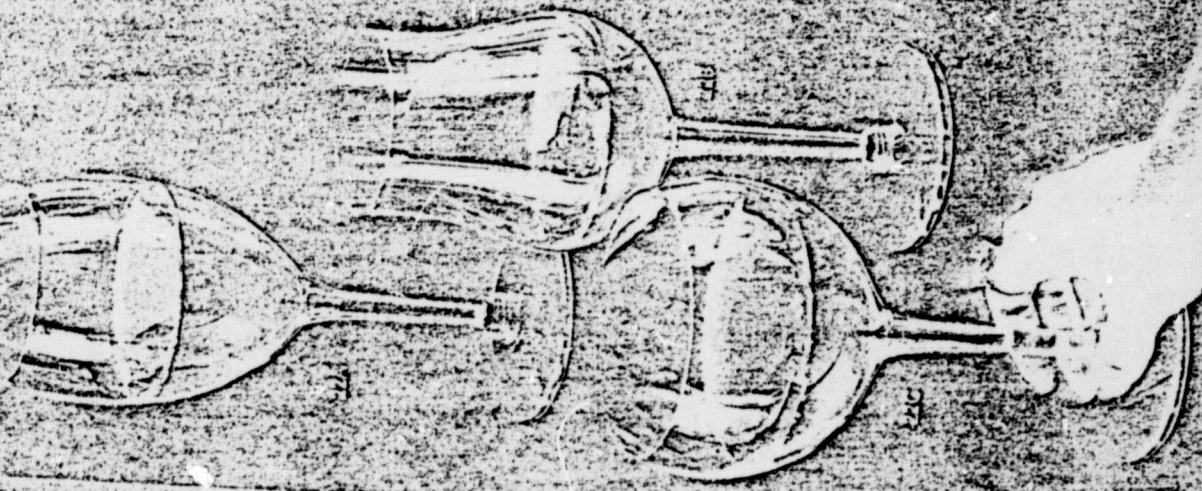
Mail and phone, outside our delivery  
 area add \$2.50 for each item on page 22.  
 Add \$2.00 for each item on page 23 ...  
 except add \$1.00 for 23A.  
 23Q, 23R and 23S shipped collect.  
 Add sales tax where required.



22D



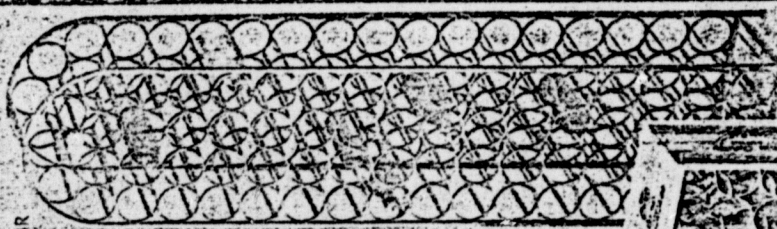
22E







23P



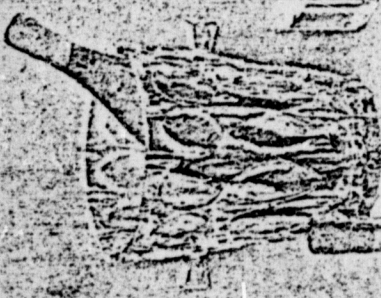
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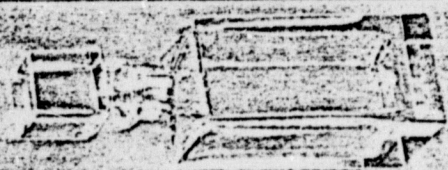
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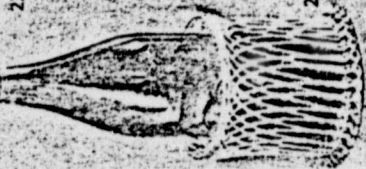
23S



23G



23J



23H



23N



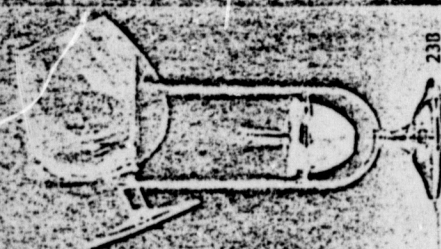
23M



23L



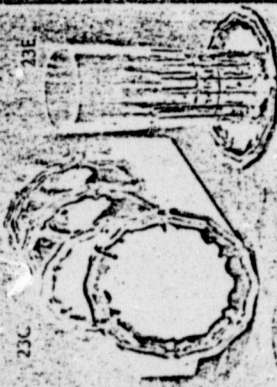
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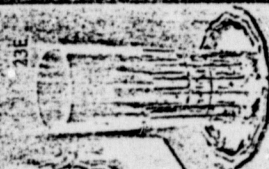
23B



23A



23C



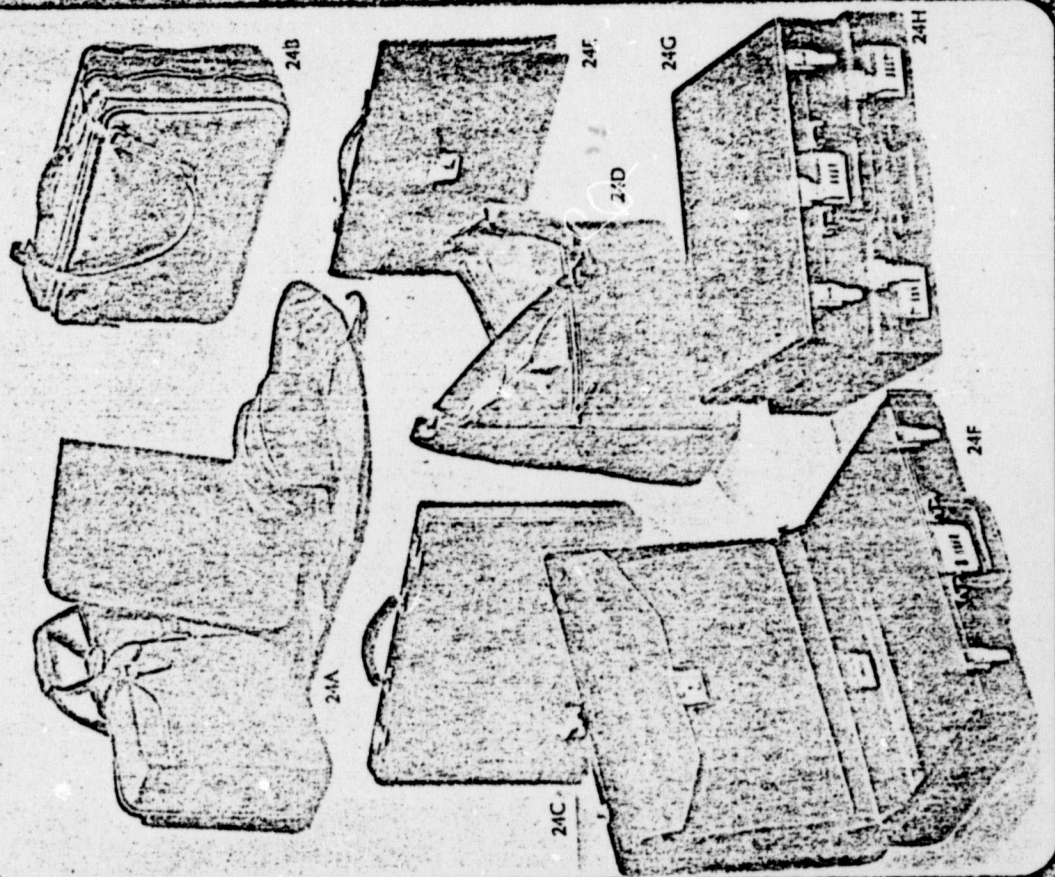
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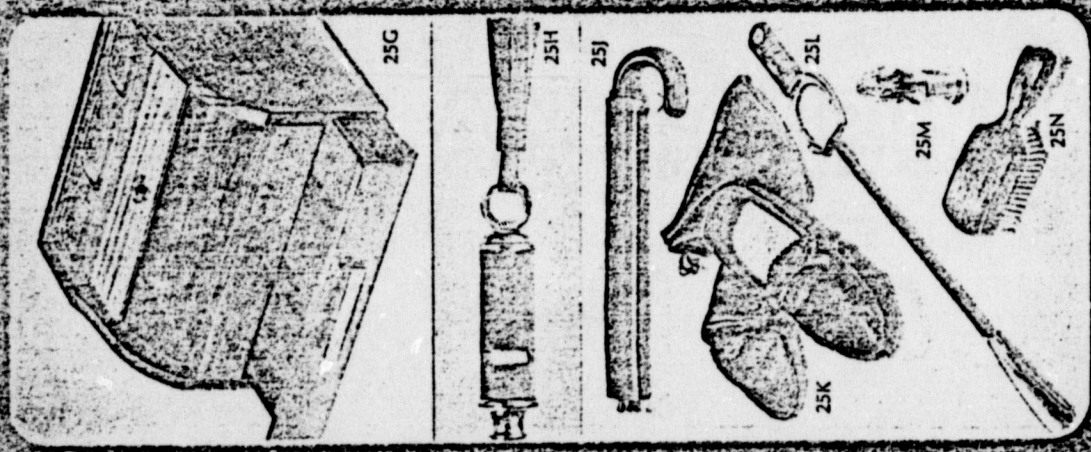
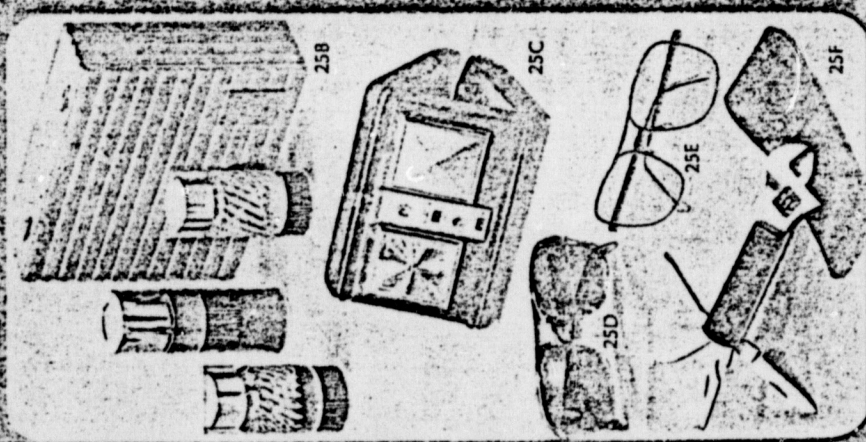
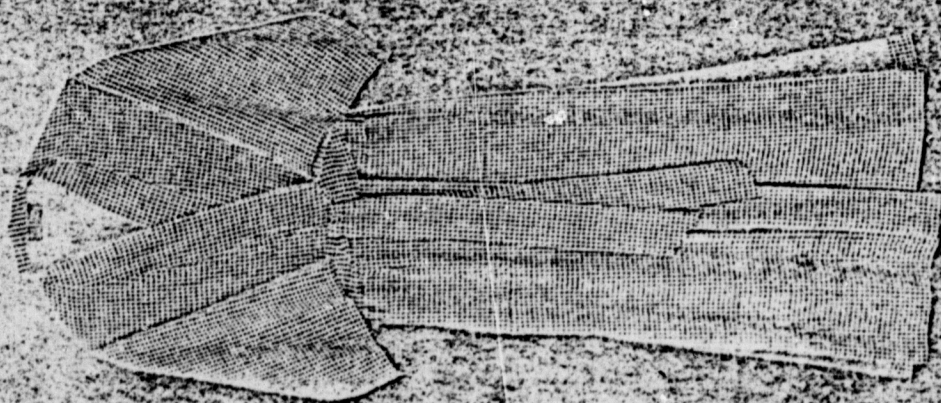
23D

23F

24A—Underscater Bag with removable  
 Garment Bag, Portfolio and Toilet Case.  
 In lightweight leather, black or brown,  
 by Renwick .....150.00  
 24B—Underscater with adjustable  
 Shoulder Strap in Belting Hide by  
 Mutual ..... 68.00  
 24C—Slim Attache Case. In Belting  
 Hide, black or brown .....85.00  
 24D—Shoulder Bag in Brown Belting  
 Hide by Mutual .....32.00  
 24E—Slim Briefcase by Renwick.  
 In black or brown leather..... 40.00  
 24F—Attache Case in Brown English  
 Belting Hide, Leather lined with  
 removable Portfolio. By Atlas.....225.00  
 24G—Panel-sided Attache case in black  
 or brown leather by Atlas.....100.00  
 24H—Attache Case in black or brown  
 leather by Renwick.....75.00  
 25A—Checked Kimono Robe, solid  
 color Terry Lining .....35.50  
 Also available unlined.....25.50  
 25B—Dunhill After Shave, Cologne and  
 Deodorant in Deluxe Gift Box.....12.50  
 25C—Travel Radio AM/FM Alarm  
 Clock in folding Leather Case by  
 Abbott ..... 45.00  
 Sunglasses. Lenses get darker in the  
 sun, lighter in the shade. By Plaza.  
 25D—Shell Frame .....24.50  
 25E—Metal Frame .....24.50  
 25F—Versatile multiple Tool Instru-  
 ment in leather Case .....14.00  
 25G—Walnut roll-top Dresser Valet  
 by Parker .....29.50  
 25H—London Bobby Whistle, Leather  
 covered by Star Case..... 5.00  
 25J—Black Nylon Telescopic Umbrella  
 by Knirps .....20.00  
 25K—Dunhill leather Travel Slippers  
 with Case .....15.00  
 25L—Brass and Leather Shoe Horn,  
 18" long .....11.00  
 25M—Shaving Brush with Stainless  
 Steel Handle by Kent .....45.00  
 25N—Hair Brush by Kent .....29.50  
 Mail and phone, outside our delivery  
 area add \$2.00 for each item on page 24.  
 Add \$1.00 for each item on page 25  
 except add \$1.50 for 25G.  
 Add sales tax where required.

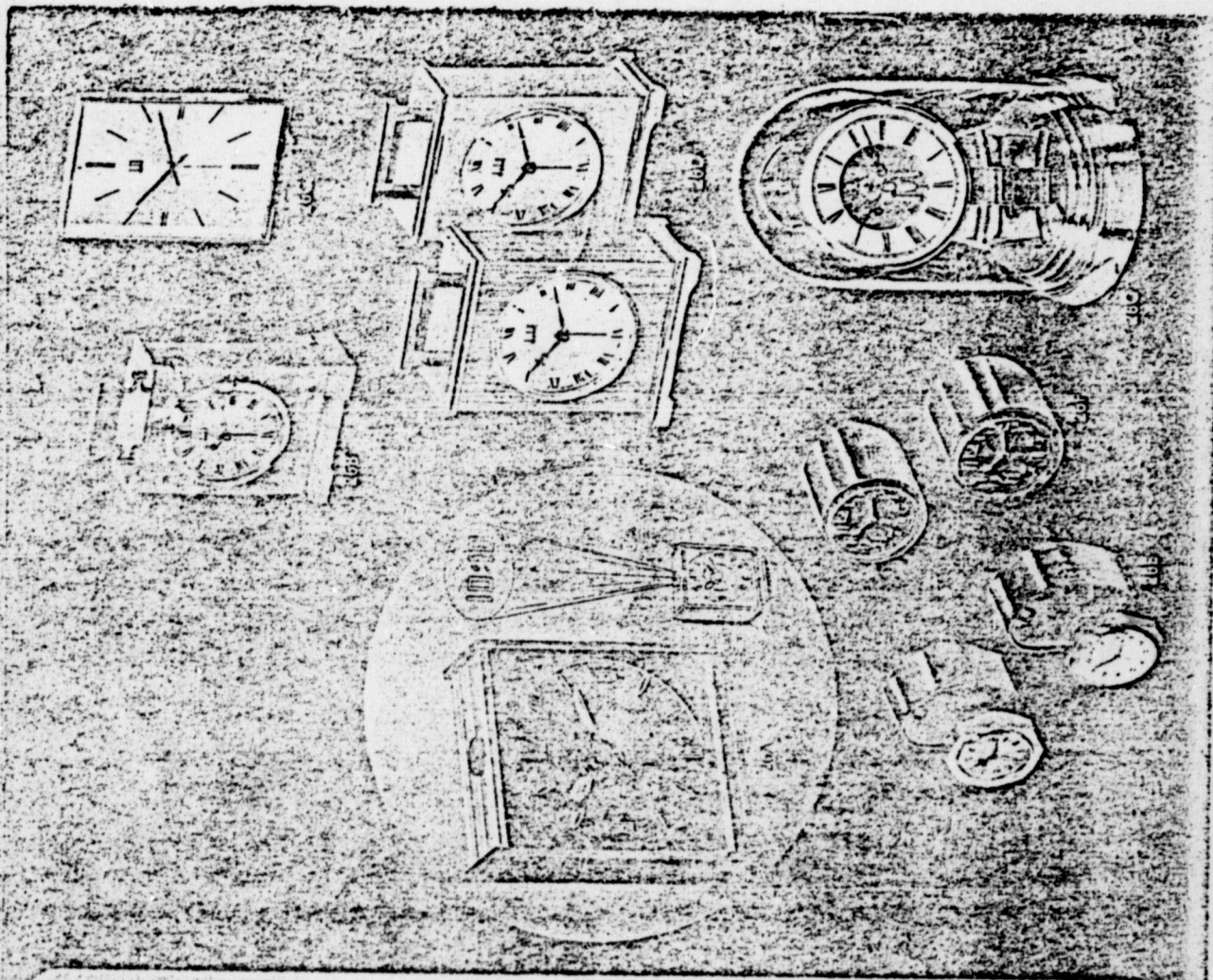




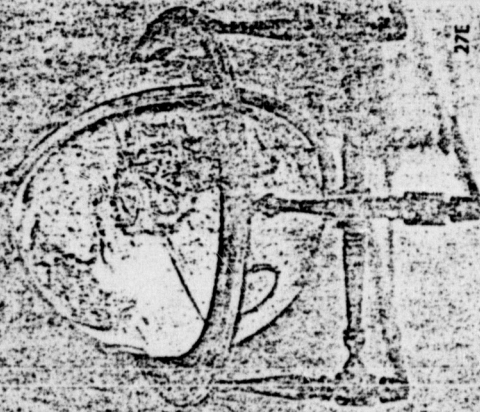


26A—Ceiling View Alarm Clock. Projects time on ceiling 6 1/4" high 35.00  
 26B—Green Onyx Clock, 8 day, 15 jewel by Swiza, 5" high ..... 110.00  
 26C—Gilt Clock, 8 day, 7 jewel, by Swiza, 6" high ..... 40.00  
 26D—Green or Gilt Clock, 8 day, 7 jewel by Swiza, 3 3/4" high ..... 40.00  
 26E—Travel Clock, Black or Gilt with Leather Case by Relide .... 56.00  
 26F—Battery Operated Bullet Clock, Gilt or Chrome, 2 1/2" x 4" by Relide... 110.00  
 26G—Glass Domed battery operated clock, 9" high, by Lindert. .... 65.00  
 27A—Dunhill Print by Bob Bednarski. The latest in a limited series, 250 signed, numbered copies showing exotic buildings of the world, unframed 95.00  
 27B—Jaeger-le-Coultre Atmos Clock. No winding, no battery, no electricity, works on temperature changes. 185.00  
 27C—Dunhill Dress Shirts. Special Continental style cut in following sizes:  
 14 1/2 fits 32-34 sleeve 16 fits 33-35  
 15 fits 33-35 16 1/2 fits 34-36  
 15 1/2 fits 33-35  
 Blue checks, Blue or Maroon stripes all with white collars and cuffs. . 20.00  
 New York and Chicago only  
 27D—Dunhill Ties, Woven in Navy/White or Maroon/White .. 12.50  
 Solid Navy or Maroon ..... 10.00  
 27E—Antique Finish Globe with up-to-date map, 12" diameter, 17" high, by Replogle ..... 49.95  
 27F—Dunhill Gift Certificate—the answer to the problem gift. A most appropriate way to shop for those on your list who you feel would prefer to select their own gift. Just specify the amount and the recipient's name and address ... we will do the rest.  
 27G—8 day alarm World Time Clock with separate dials for day, date, month and phases of the moon, 7 1/2" high, by Relide ..... 340.00  
 Mail and phone, outside our delivery area add \$2.00 for each item on page 26 and page 27 except add \$1.50 for 27A, 27C and 27D.  
 Add sales tax where required.

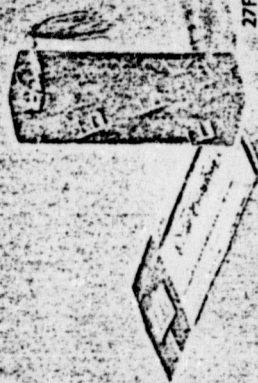
Catalog prices subject to change.







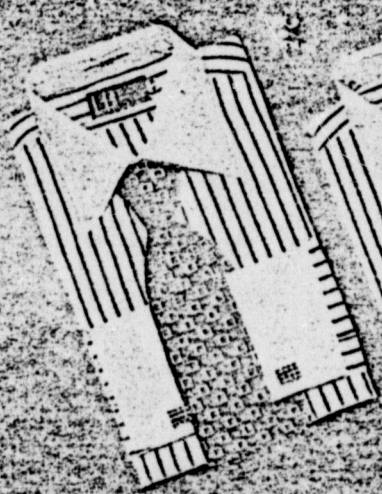
27E



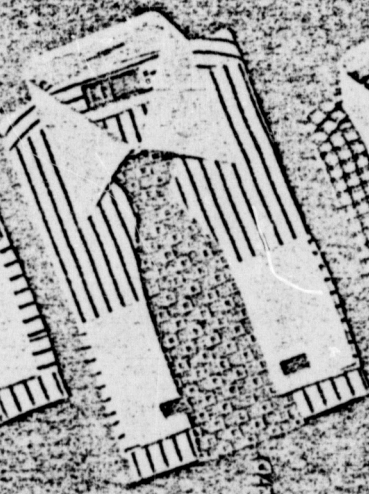
27F



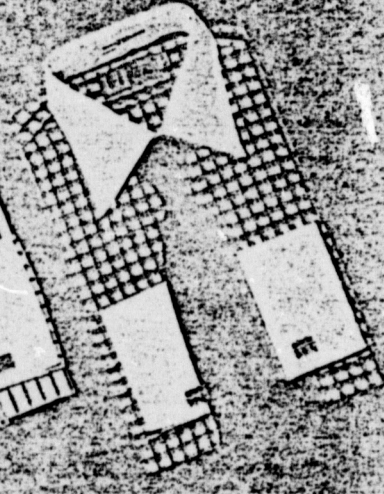
27G



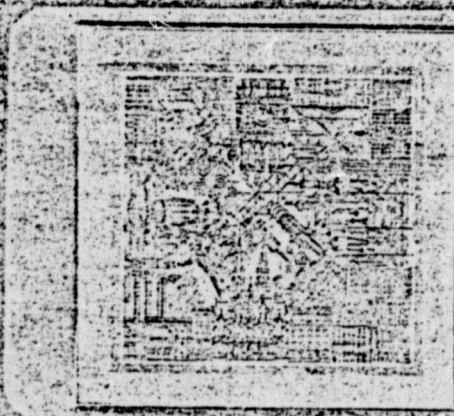
27H



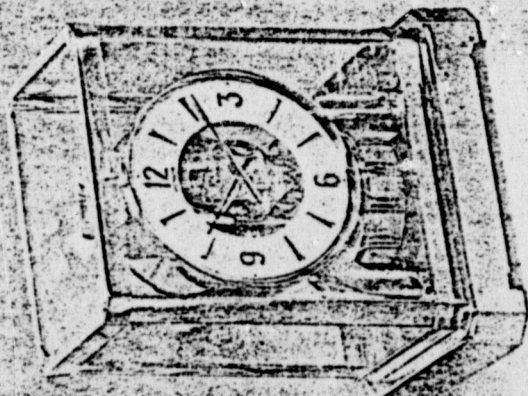
27I



27J



27A



27B

# NOTES ON THE REVISION

The following notes are intended to provide a summary of the changes made in the revision of the manuscript. The changes are organized into three main sections: (1) Changes in the Introduction, (2) Changes in the Main Text, and (3) Changes in the References. The changes in the Introduction are primarily concerned with the clarification of the objectives of the study and the scope of the review. The changes in the Main Text are primarily concerned with the clarification of the methodology and the results of the study. The changes in the References are primarily concerned with the addition of new references and the deletion of old references.

11



A line of leopards that will never change their spots, because these fabled felines are hand-fired ceramic. Come in different positions:  
 #5000 - biting its paw \$5.00  
 #5001 - scratching its ear \$5.00  
 #5002 - lying on its back \$5.00



When it comes to accessories, one company's line is pretty much like every other's ... right?

Wrong!

What makes the difference? A different kind of company ... with a different point of view. Like us. Aldon Accessories. You may not have heard of us because we're brand new. But so is our total line of accessories. Brand new ideas ... done in a brand new way. And they're like nothing you've ever seen before.

All different ... novel ... unusual. Designed to reflect today's fashions ... for today's executives. Created to stand out ... so they'll be outstanding. Each one new, or with the important new twist, that makes it unique ... and wanted.

Which is why you should be buying Aldon Accessories. Because your customers will.

There's much more we could tell you about Aldon gift and decorative accessories. But why not see for yourself.

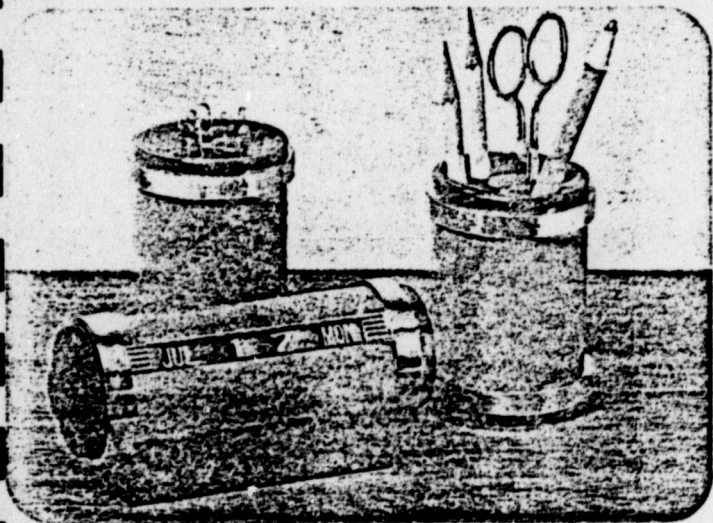
When you're in New York, visit us at our showroom -- 225 Fifth Avenue, Room 1214, (212) 693-7323.

Aldon ... the new name in gift and decorative accessory ideas. There's much more we could tell you about Aldon gift and decorative accessories. But why not see for yourself.



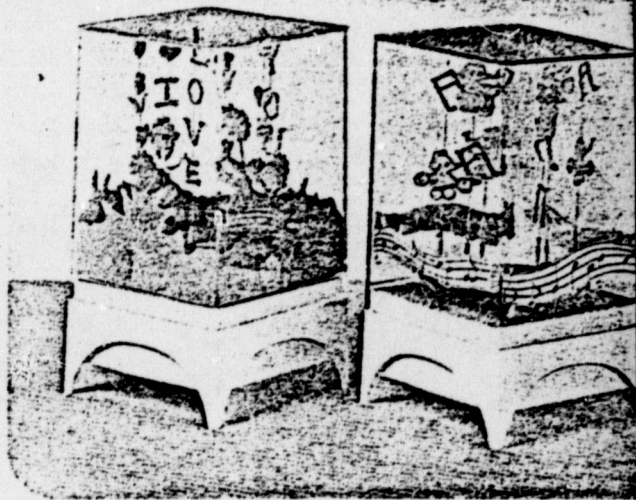
EXHIBIT C

# Tomorrow's fashions in decorative here's a representation of the con



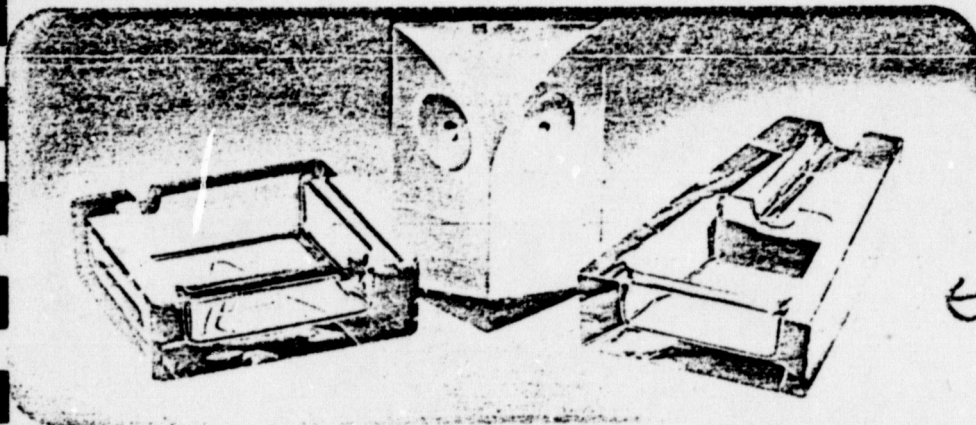
A very different look in a trio of most-used desk accessories—magnetized paper clip caddy, pencil holder, and perpetual calendar. Highly styled of dramatically contrasting black and burnt orange plastic with bands of polished chrome.

#5008 \$10.00



The old-fashioned music box in a new-fashioned format. White plastic base with a box-like plastic cover. Inside, the mechanism moves round-and-round with the music. Choose "Love Story" in the clear top with moving hearts and flowers, "Talk to the Animals" in the smoky blue cover with moving elements.

#5034 "Love Story" \$15.00 #5035 "Talk to the Animals" \$15.00



Only 4" square, but massive in appearance, this handsome, clear crystal ashtray boasts a deeply etched personal letter.

#5024 \$10.00

A modern sculpture in clear crystal. This sophisticated, clear crystal owl perches the desk day and night. A rare bird.

#5036 \$15.00

You've never seen a cigar ashtray before this. Clear crystal and perfectly proportioned just for cigars. An executive must.

#5037 \$15.00

All prices are suggested retail

A clear winner as a bookend set. Clear lucite bookends with three bright color lucite balls dressing up the base.

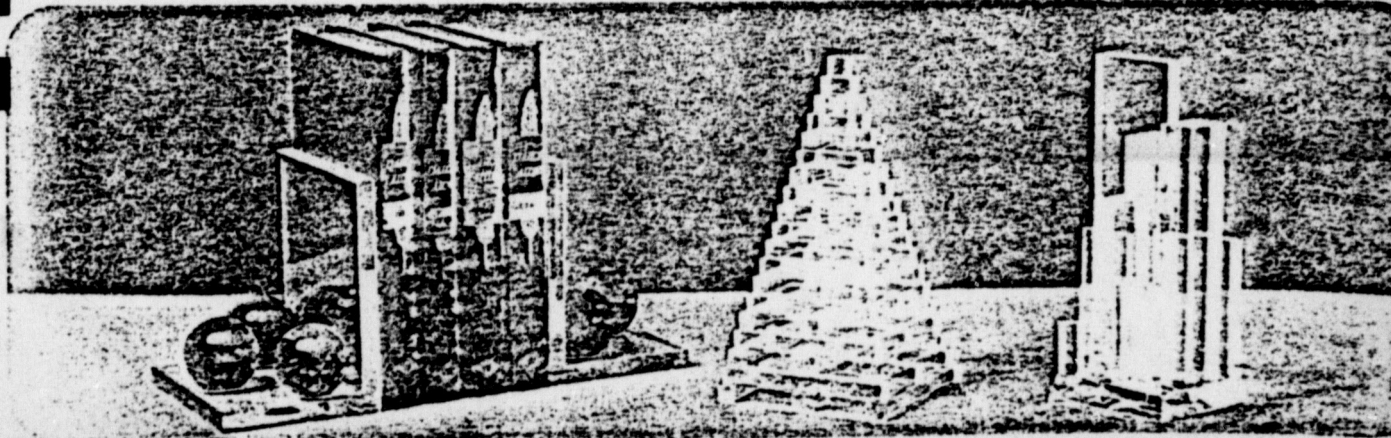
#5028 \$15.00

An ancient form in a modern material. Bars of clear lucite criss-cross to make an impressive 7 1/2" high pyramid paperweight.

#5009 \$10.00

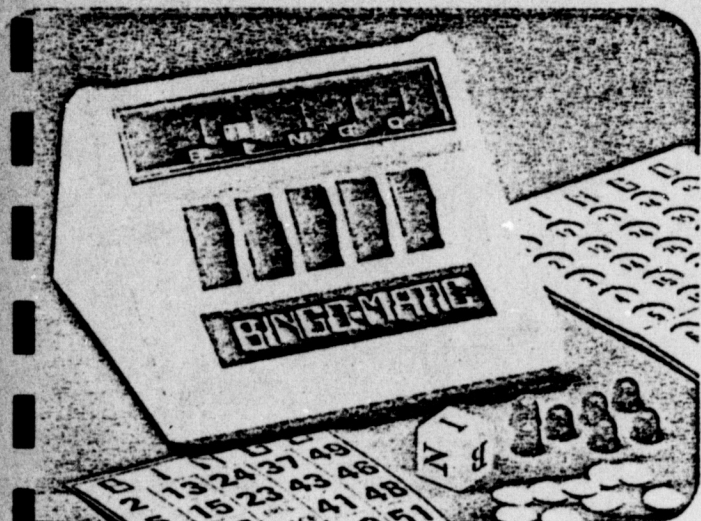
An ultra-modern clear lucite paperweight. Bold slabs stand at all angles to an impressive 7 1/2" above the desk.

#5010 \$10.00

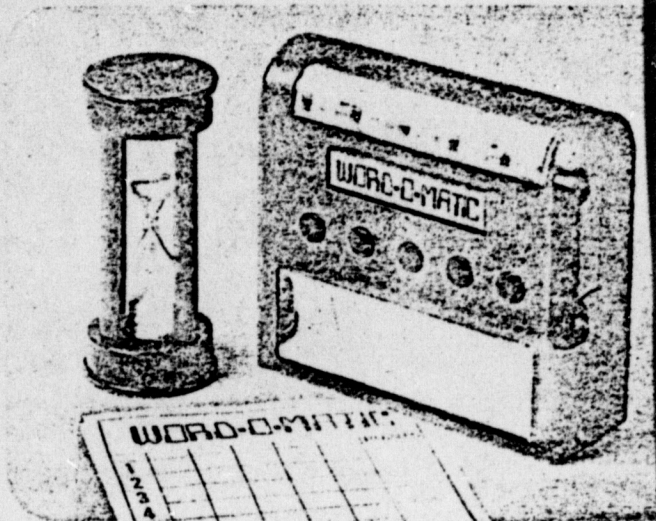




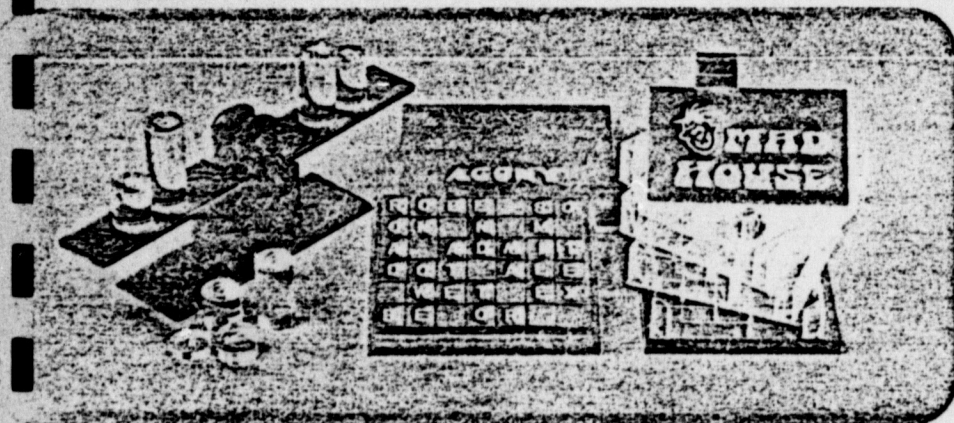
# accessories... complete Aldon collection.



The family who has everything will surely want this personal, portable, battery operated Bing-O-Matic game. Complete with instructions and game cards and markers.  
#5006 \$15.00



Interested in words—the perfect gift is a battery-operated "Word-O-Matic" game. Comes complete with timer, scoring sheets, and instructions. A competitive word game.  
#5007 \$9.00



Balancing the books is easy compared to balancing the "Teeter-Tot." Eight clear lucite rods must be combined with distance from the center to create a perfect balance.  
#5079 \$4.00

For the crossword puzzle enthusiast—Agony—to create new thinking and ideas. Make up your own puzzles.  
#5022 \$4.00

For the maze fanatic, "MadHouse" is a constantly changing challenge to move the ball from top to bottom and out.  
#5021 \$5.00

**Write for full details.**

**Aldon**  
ACCESSORIES LTD.

225 FIFTH AVENUE  
NEW YORK, N.Y. 10010

Unique as it is impressive.  
A tri-dimensional personal letter that doubles as a paperweight or desktop ornament.  
#5014 \$9.00

Here's a marble-and-metal "Do It Now" executive letter holder that adds a touch of urgency to desktop finery.  
#5080 \$9.00

A most unusual desk accessory an executive can literally count on. It's a working abacus in brass and marble.  
#5026 \$8.00



If you think  
 you've seen  
 it all in gifts  
 and decorative  
 accessories...  
 you ought to  
 see Aldon.  
 Because we've really  
 got something  
 to show you!

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# W H O L E S A L E P R I C E L I S T 1 9 7 2

#5000 Baby Leopard with Tongue Out	12 pieces ...2.50 Ea
#5001 Baby Leopard Scratching its Ear	6 pieces ...2.75 Ea
#5002 Baby Leopard Lying of its Back	
Minimum order 12 pieces assorted 4 of each	
#5008 Three Piece Desk Set	12 sets .....5.00 Ea
	6 sets .....5.50 Ea
	3 sets .....5.80 Ea
#5054 "I Love You" Music Box	2 pieces ...7.50 Ea
Tune: Theme from "Love Story"	(MINIMUM: 2 Pieces)
#5055 Elephant Band Music Box	2 pieces ...7.50 Ea
Tune: "Talk to the Animals" from	(MINIMUM: 2 Pieces)
"Doctor Doolittle"	
#5024 Lead Crystal Initial Ashtray	18 pieces ...5.00 Ea
All initials except I, O, Q, U, V, X, Y, Z.	(MINIMUM REORDER: 6
	pieces your choice)
#5036 Lead Crystal 4½" Tall Owl	2 pieces ...7.50 Ea
	(MINIMUM: 2 Pieces)
#5037 Lead Crystal 6" Cigar Ashtray	2 pieces ...7.50 Ea ←
	(MINIMUM: 2 pieces)
#5081 (NOT SHOWN) Lead Crystal 3" Pipeholder	2 pieces ...4.50 Ea
	(MINIMUM: 2 pieces)
#5025 (NOT SHOWN) Lead Crystal Animal Ashtrays	10 pieces ...5.50 Ea
Suitable also for nuts and candies. 10	(MINIMUM REORDER: 5
assorted pieces, Rhinoceros, Bulldog, Lion	pieces. All assorted)
Whale, and Elephant.	
#5028 Clear Lucite Bookends with Colored Balls.	4 pieces ...7.50 Ea
Two assorted color combinations.	2 pieces ...8.25 Ea
#5010 Monoliths Lucite Sculpture 7½" Tall	6 pieces ...5.00 Ea
	3 pieces ...5.50 Ea
	1 piece ...5.80 Ea
#5009 Pyramid Lucite Sculpture 7½" Tall	6 pieces ...5.00 Ea
	3 pieces ...5.50 Ea
	1 piece ...5.80 Ea
#5011 (NOT SHOWN) Swirl Lucite Sculpture 7½" Tall	6 pieces ...5.00 Ea
	3 pieces ...5.50 Ea
	1 piece ...5.80 Ea
#5012 (NOT SHOWN) Cylinders Lucite Sculpture	6 pieces ...5.00 Ea
7½" Tall	3 pieces ...5.50 Ea
	1 piece ....5.80 Ea

#5006 BINGO-MATIC Battery operated Bingo Game	12 pieces ...6.50 Ea
	6 pieces ...7.15 Ea
	3 pieces ...7.54 Ea
#5007 WORD-O-MATIC Battery Operated Word Game	24 pieces ...3.75 Ea
	12 pieces ...4.13 Ea
	6 pieces ...4.35 Ea
#5079 THE BALANCING ACT	12 pieces ...2.00 Ea
	6 pieces ...2.20 Ea
	3 pieces ...2.30 Ea
#5022 AGONY Word Game	12 pieces ...2.00 Ea
	6 pieces ...2.20 Ea
	3 pieces ...2.30 Ea
#5021 MAD HOUSE PUZZLE	12 pieces ...2.50 Ea
	6 pieces ...2.75 Ea
	3 pieces ...2.90 Ea
#5014 Solid Brass Initial Paperweights encased in an embroidered initialed velvet bag. 24 assorted pieces, all initials except I, O, Q, U, V, X, Y, Z.	24 pieces ...4.00 Ea (MINIMUM REORDER 6 pieces your choice)
#5015 (NOT SHOWN) Solid Brass Button Paperweight 3" in diameter in a velvet bag.	6 pieces ...4.00 Ea
	4 pieces ...4.40 Ea
	2 pieces ...4.65 Ea
#5017 (NOT SHOWN). Solid Brass Golf Ball Paperweight	6 pieces ...4.50 Ea
	4 pieces ...4.95 Ea
	2 pieces ...5.20 Ea
#5039 "DO IT NOW...before it's taxed" Paperweight on marble base	2 pieces ...3.50 Ea (MINIMUM: 2 pieces)
#5038 (NOT SHOWN) "DO IT NOW" without marble base.	4 pieces ...2.00 Ea (MINIMUM: 2 pieces)
#5080 (NOT SHOWN) "DO IT NOW...before it's taxed" on a marble base with a Letter Rack.	2 pieces ...4.50 Ea (MINIMUM: 2 pieces)
#5026 Solid Brass ABACUS on a marble base	6 pieces ...4.00 Ea
	4 pieces ...4.40 Ea
	2 pieces ...4.65 Ea

TERMS: NET 30

MINIMUM OPENING ORDER: \$100.00 MINIMUM REORDER \$50.00

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Room 1214  
225 Fifth Avenue  
New York, New York 10010



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

LANCASTER COLONY CORPORATION	:	Civil Action
Plaintiff	:	No. 72 Civ. 5038
v.	:	(Judge Tenney)
ALDON ACCESSORIES LTD. and	:	
ROYAL LONDON LTD.	:	
Defendants	:	

-----X

AFFIDAVIT OF ALAN H. LEVINE

STATE OF NEW YORK )  
                              : SS.:  
COUNTY OF NEW YORK)

ALAN H. LEVINE, being sworn, deposes and says:

1. I am a member of the firm of Breitenfeld & Levine, plaintiff's attorneys, and make this affidavit in support of plaintiff's motion for summary judgment.

2. I have been practicing patent law for more than sixteen years, and during this time have acquired extensive experience and knowledge with regard to patent property rights and violations of said rights. Included in my experience is the prosecution of a great many applications for United States design patents.

3. I have reviewed the Patent Office file of Design Patent D217,942 and find that it is proper in all respects. Further, in my opinion, based on my study, Design Patent D217,942 is valid. A copy of Design Patent D217,942 is annexed hereto as Exhibit A.

4. I have carefully reviewed and compared an ashtray sold by defendants under Catalog No. 5037, and find that the design of defendants' ashtray and the design set forth and

claimed in Design Patent D217,942 are identical, except that the top surface of defendants' ashtray has a slight slope. In my opinion, both designs give exactly the same ornamental impression to one viewing the ashtrays.

5. A patent gives its owner the exclusive right to make, use, and sell the subject matter of his patent. Defendants, have been given notice of plaintiff's patent. Therefore, in my opinion, defendants sale of its ashtrays referred to above constitutes infringement of plaintiff's patent property rights in that defendants are interfering with plaintiff's exclusive right to the patented design.

6. Under the circumstances, plaintiff is entitled to an injunction restraining defendant from making, using, and selling, ashtrays embodying plaintiff's design, and to an award based upon an assessment of damages by the court for past and present infringement.

*Alan H. Levine*

Alan H. Levine

Sworn to and subscribed before  
me this 12<sup>th</sup> day of June, 1973.

*Mary Ann Bruni*  
\_\_\_\_\_  
Notary Public

MARY ANN BRUNI  
Notary Public, State of New York  
No. 24-5490615  
Qualified in Kings County  
Commission Expires March 30, 1974



# United States Patent Office

Des. 217,942  
Patented June 30, 1970

217,942

ASHTRAY

Nicholas P. Angelakos, Brooklyn, N.Y., assignor to  
Lancaster Colony Corporation, a corporation of  
Delaware

Filed Aug. 8, 1969, Ser. No. 18,600

Term of patent 14 years

Int. Cl. D27-03

U.S. Cl. D85-2

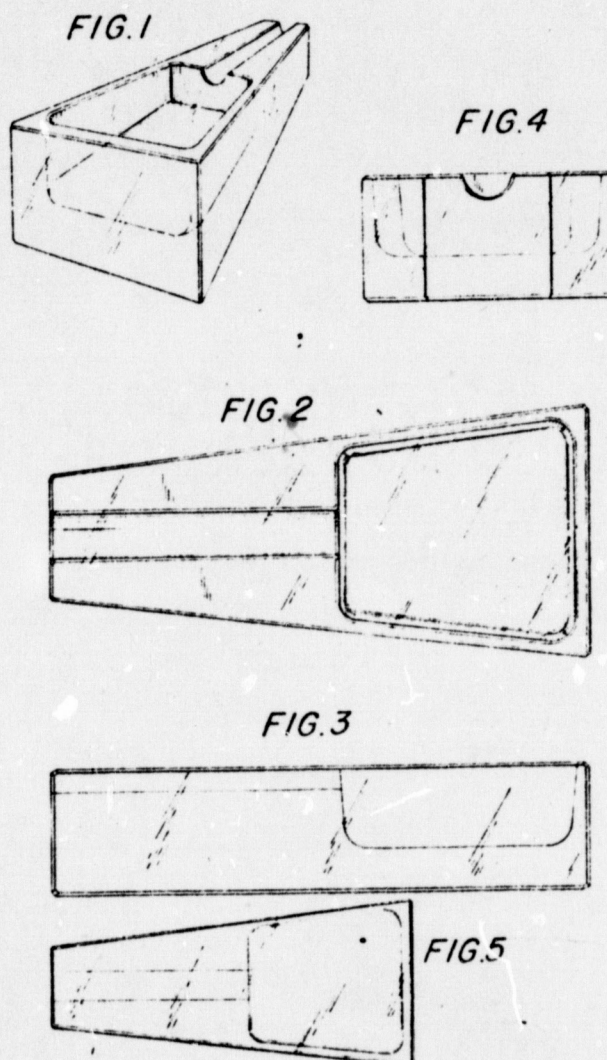


FIG. 1 is a perspective view of an ashtray showing my new design;

FIG. 2 is a top view;

FIG. 3 is a side view;

FIG. 4 is a rear view; and

FIG. 5 is a bottom on a reduced scale.

I claim:

The ornamental design for an ashtray, substantially as shown.

## References Cited

### UNITED STATES PATENTS

D. 145,562	9/1946	Chambers	D85-8
D. 172,873	8/1954	Gayle et al.	D85-2
D. 199,716	12/1964	Gluck	D85-2

### OTHER REFERENCES

National Jeweler, March 1931, p. 69, Art Metal Works ashtray.

Office Appliances, June 1958, p. 38, item 1, ashtray.

ROBERT C. SPANGLER, Primary Examiner

EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LANCASTER COLONY CORPORATION,

Plaintiff,

v.

ALDON ACCESSORIES, LTD. and  
ROYAL LONDON, LTD.,

Defendants.  
-----X

:  
:  
Civil Action 72

:  
Civ. 5038

:  
(Judge Tenney)

AFFIDAVIT OF ARTHUR GINSBERG

STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF NEW YORK )

I, ARTHUR GINSBERG, being duly sworn, deposes and says  
as follows:

1. I am president of ROYAL LONDON, INC., of which  
ALDON ACCESSORIES, LTD., is a subsidiary and make this Affidavit  
to accompany Defendants' Answer opposing Plaintiff's Motion  
for Summary Judgment.

2. In March, 1972, I was in Japan on a business trip.  
While on such trip, a Japanese company showed me an ashtray  
which is now the subject of the England suit in the above-men-  
tioned action.

3. After the aforesaid was shown to me in Japan, I  
bought a certain number of these ashtrays which were duly  
delivered to me and have been sold.

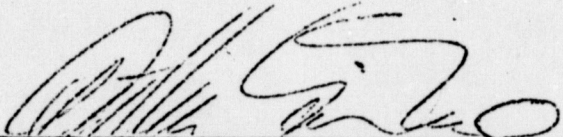
4. When I first received notice of the claim of  
infringement of Design Patent No. D-217,942, I consulted my  
patent attorney, Arthur A. March, as to whether or not, in his



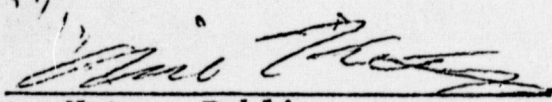
opinion, this Ashcray could be marketed within the United States free and clear of the infringement of any valid U. S. Letters Patent, and was advised by said attorney that, in his opinion, such sales could be made without infringing upon the rights acquired by any third parties.

5. It was only after such consultation on the expressed opinion of my patent attorney, as aforesaid, that such sales were undertaken.

Further affiant sayeth not.

  
Arthur Ginsberg

Sworn to and subscribed to  
before me this 27 day of  
June, 1973.

  
Notary Public

MICHAEL KALMANOVITS  
Notary Public, State of New York  
No. 52-2021140  
Qualified in Suffolk County  
Certificate filed in New York County  
Commission Expires March 30, 1975

# United States Patent Office

Des. 217,942  
Patented June 30, 1970

217,942

## ASHTRAY

Nicholas P. Angelakos, Brooklyn, N.Y., assignor to  
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Delaware

Filed Aug. 8, 1969, Ser. No. 18,600

Term of patent 14 years

Int. Cl. D27-03

U.S. Cl. D35-2

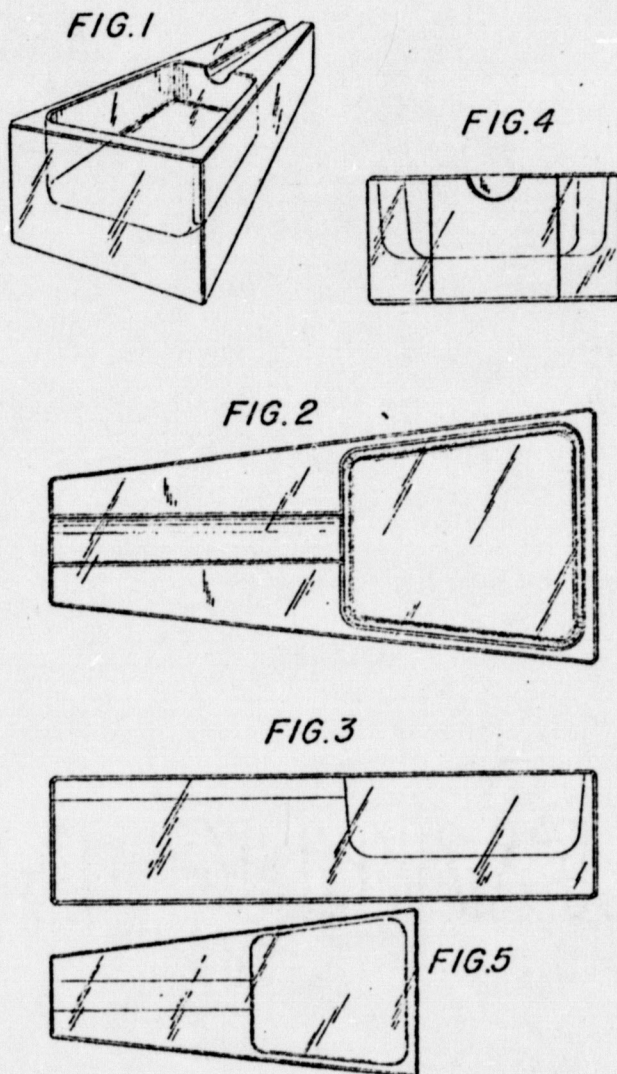


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FIG. 2 is a top view;

FIG. 3 is a side view;

FIG. 4 is a rear view; and

FIG. 5 is a bottom on a reduced scale.

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National Jeweler, March 1931, p. 69, Art Metal Works ashtray.

Office Appliances, June 1958, p. 38, item 1, ashtray.

ROBERT C. SPANGIER, Primary Examiner

EXHIBIT A



131-241

(No Model.)

J. L. RUSSELL.

COMBINED PAPER WEIGHT AND CIGAR AND ASH HOLDER.

131  
241

No. 371,901.

Patented Oct. 18, 1887.

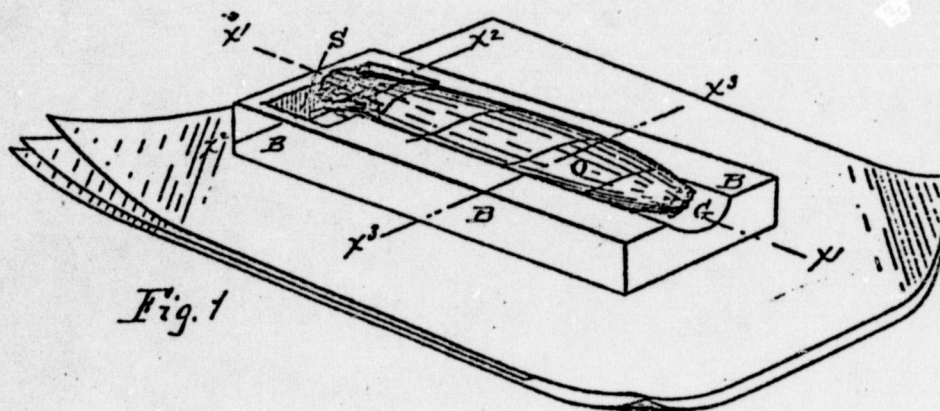


Fig. 1

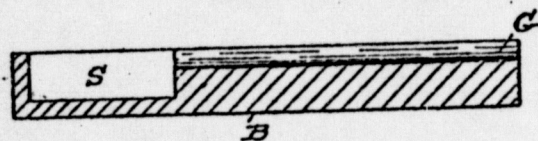


Fig. 2

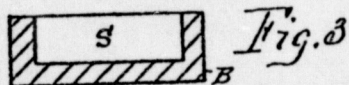


Fig. 3



Fig. 4

WITNESSES

Geo. A. Darby.

Charles S. Brintnell

INVENTOR

John L. Russell

by W. E. Hagan, atty

# UNITED STATES PATENT OFFICE.

JOHN L. RUSSELL, OF TROY, NEW YORK.

## COMBINED PAPER-WEIGHT AND CIGAR AND ASH HOLDER.

SPECIFICATION forming part of Letters Patent No. 372,901, dated October 12, 1887.

Application filed March 21, 1887. Serial No. 231,636. (No model.)

*To all whom it may concern:*

Be it known that I, JOHN L. RUSSELL, of the city of Troy, county of Rensselaer, State of New York, have invented a new and useful Combined Paper-Weight and Cigar and Ash Holder, of which the following is a specification.

My invention relates to a device that by its construction is arranged to perform the functions of a paper-weight, cigar-holder, and ash-holder, all of which functions it is adapted to perform at the same time and in connection, as distinguished from a combination device or tool in which the several parts perform several functions disconnectedly.

It is the object of my invention to combine with a paper-weight that is adapted for its ordinary use upon a table or desk an added construction consisting of a groove made longitudinally in the top of the paper-weight, said groove being adapted to receive a lighted cigar when temporarily laid thereon, by the smoker, and a sink, also made in the top of the paper-weight at one end of said groove, so that the cigar within the groove may have its lighted end extending over the sink, where the air can circulate around it.

Where a lighted cigar is temporarily laid down with its edge projecting beyond the edge of the table whereon placed, it is liable to roll off, and when laid down on a table or surface without having its edge overhang it is liable to burn that on which it rests as well as to go out, and the wet end of the cigar stains the surface of whatever it rests upon. All of these difficulties my invention is intended to obviate.

Accompanying this specification, to form a part of it, there is a sheet of drawings containing four figures illustrating my invention, with the same designation of parts by letter-reference used in all of them.

Of the illustrations, Figure 1 shows a perspective of a device containing my invention, applied as a combined paper-weight and cigar and ash holder. Fig. 2 shows a longitudinal central section taken on the line  $x-x$  of Fig. 1. Fig. 3 shows a cross-section taken on the line  $x-x$  of Fig. 1. Fig. 4 shows a cross-section taken on the line  $x-x$  of Fig. 1.

The several parts of the device thus illustrated are designated by letter-reference, and the function of the parts is described as follows.

The letter B designates the body of the device made of such metal or other material as will give sufficient weight to it to keep papers in place when resting with its bottom surface thereon.

The letter G designates a groove made in the top of the body longitudinally, and S a sink made therein at one end of said groove.

The letter O indicates a cigar placed therein.

As thus made and arranged the device performs all the functions for which it is designed connectedly and conveniently.

Having thus described my invention, what I claim, and desire to secure by Letters Patent, is—

A combined paper-weight and cigar and ash holder constructed with a body part that is adapted to rest upon papers to keep them in place, and made with a longitudinal groove suited to receive a cigar, and a sink formed within the body part at one end of said groove, substantially in the manner, and for the purposes set forth.

Signed at Troy, New York, this 8th day of February, 1887, in the presence of the two witnesses whose names are hereto written.

JOHN L. RUSSELL.

Witnesses:

CHARLES S. BRINTNALL,  
W. E. HOGAN.



Dec. 7, 1943.

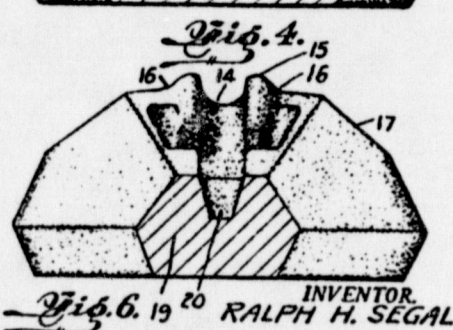
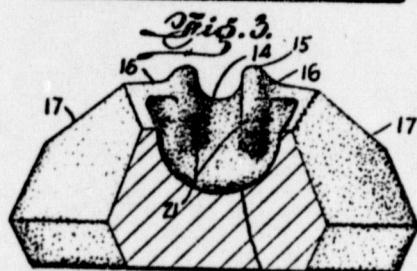
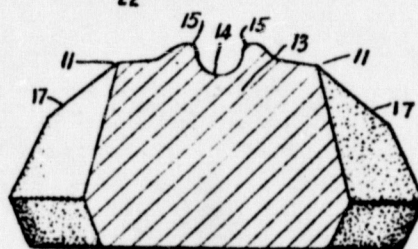
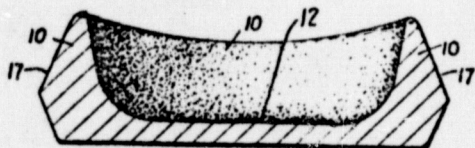
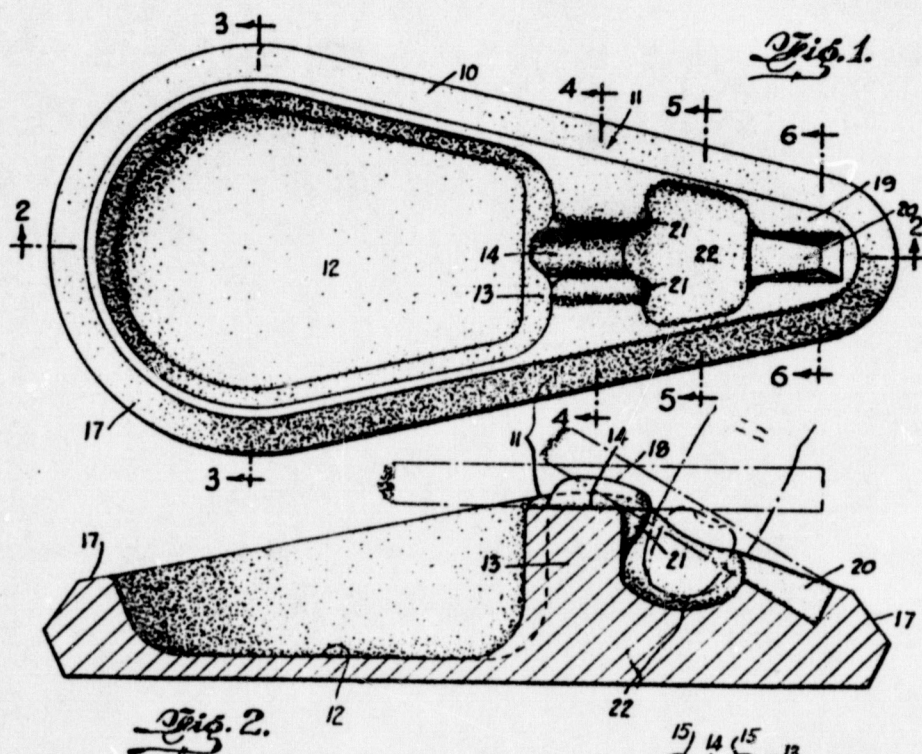
R. H. SEGAL

2,335,973

ASH TRAY

Filed July 10, 1943

3 Sheets-Sheet 1

INVENTOR.  
RALPH H. SEGALBY  
Seymour I. Freeman  
ATTORNEY.

## UNITED STATES PATENT OFFICE

2,335,973

## ASH TRAY

Ralph H. Segal, New York, N. Y.

Application July 10, 1943, Serial No. 494,151

5 Claims. (Cl. 131-240)

This invention relates to ashtrays, and has for one of its primary objects, the provision of an ashtray incapable of supporting a cigarette other than at a predetermined station or stations. The ashtray of my invention is preferably so constructed that when an attempt is made to place a cigarette at other places, it will roll off and fall into a well in said ashtray or onto the article upon which the tray is placed, and this will make it incumbent for the smoker to place the cigarette at a designated station.

The conventional ashtray is composed of a well whose outer walls generally allow for placement in a balanced position, of a cigarette, the lit end of which is usually placed over the well and the mouth end overhanging the outer edge. In this position, the weight of the lit end of a cigarette, while being consumed, decreases, thus causing the cigarette to overbalance and topple off the ashtray onto table or any other surface on which it is resting, thereby causing scorching or even fires to come about.

Attempts have been made to improve the conventional ashtrays mentioned, by making the resting platform for the cigarette of much greater length, but here again, the length of the platform usually does not allow for the proper distribution of weight and the cigarette extending over this edge, would still fall off. In this tray, also, by reason of its length of platform, the moistened end of the cigarette usually rests on the glass on which other cigarettes were placed by other people, and then the sanitary angle comes into play. Also, in this sort of a tray, the cigarette, in burning on the glass top, causes condensation and a carbon formation on the cigarette and on the glass, causing the need of heavy cleaning, to the tray itself as well as causing a disagreeable taste to the smoker who continues to smoke the cigarette.

Ashtrays were also made with a snuffer arrangement adjacent the well of the tray, and it was intended that the lit end of the cigarette projecting over the well when it had been consumed down to the edge of the snuffer, would automatically be extinguished because of lack of oxygen, or whatever the reasons may be. Here again, a situation may occur before the lit part of the cigarette reaches the snuffer end, where the cigarette becomes overbalanced as in the first example, and will topple off the tray, especially if the cigarette be of the size known as king size. Also, with the snuffer tray, the cigarette must be re-lit every time the smoker wishes to use same,

and in doing so, he finds a moistened condition by condensation and carbon formation on the lit end of the cigarette, which causes a disagreeable taste to the smoker. Also in this tray, as in the other trays above mentioned, there are positions other than that designated for the cigarette to be lodged in, where the cigarette can be placed on a surface which is not controlled by side walls or by snuffer arrangement, and here there is constant danger of the cigarette toppling off and causing the aforementioned damage.

Further attempts to prevent improper toppling of cigarettes have been made by providing a cigarette tray wherein a well is surmounted by a pair of spaced-apart walls of a very thin dimension, with provision for the cigarette to be supported by bridging these thin walls, the lit end extending over the well, while the other extreme end or mouth part of the cigarette extends over the outer rim or wall, as mentioned. It had been thought that a cigarette placed in such position, while being consumed, would drop in the space between the outer and inner walls or supports around the well as soon as the lit end reached the first wall or support; but this has not always proven to be the case, because certain grades of tobacco produce a fairly rigid ash which does not allow the cigarette to fall, and the cigarette being consumed, carries the lit section through the cigarette, leaving the ash rigid over said edges, and carries over to the outer edge where overbalancing takes place, because the unburned portion of the cigarette is heavier than the ash, and the remaining part of the cigarette falls onto the table top or other surface.

Further attempts at improvement resulted in mechanical ashtrays such as the tilting platform type, where a cigarette which is lit causes a reaction on two springs, causing the platform to rise and tilting the cigarette into the well, but this is also subject to many deficiencies, such as for example, the cigarette can still overbalance itself and fall off this platform before the lit end reaches the spring arrangement. Then, there are also the clipper type of support, wherein a cigarette is held between two spring prongs holding the cigarette in a clamped condition. What usually happens here is that the cigarette is bent out of shape, the tobacco loosened, and in many cases the springs, after much use, cease functioning.

Then, there is a type of cigarette tray where the supporting platform for a cigarette is in the center of an ashtray. Here the cigarette is purely



Dec. 7, 1943.

R. H. SEGAL

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ASH TRAY

Filed July 10, 1943

3 Sheets-Sheet 2

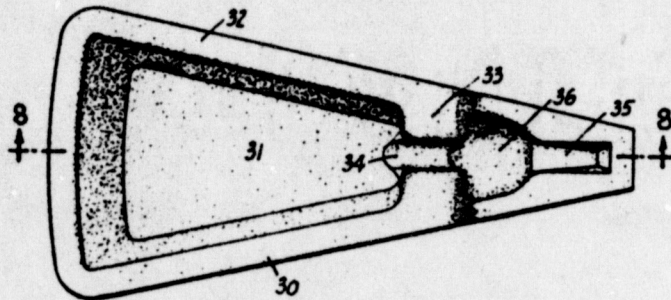


Fig. 7.

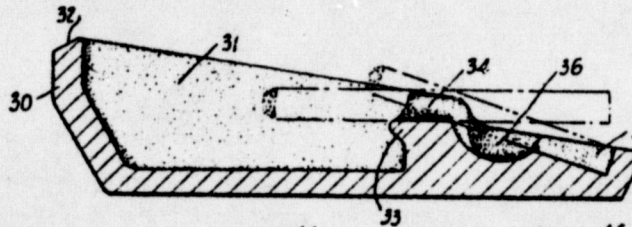


Fig. 8.

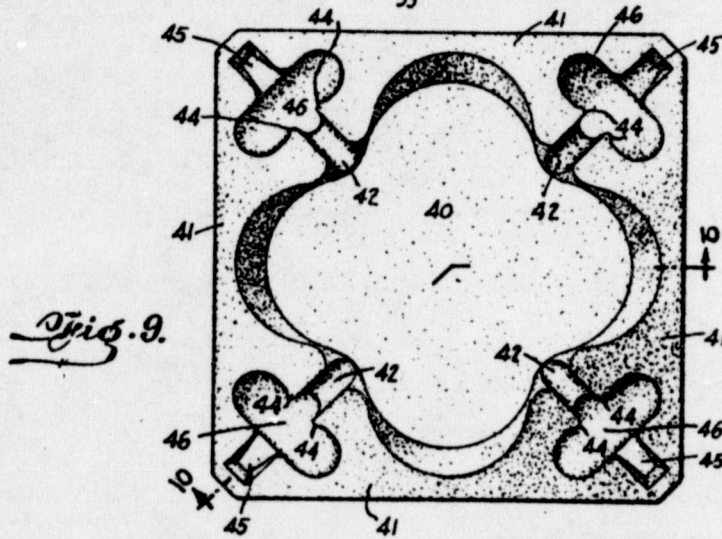


Fig. 9.

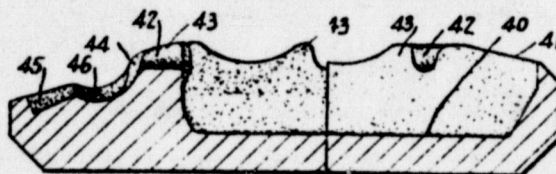


Fig. 10.

INVENTOR.  
RALPH H. SEGAL.

BY

Gregg Truman  
ATTORNEY.

Dec. 7, 1943.

R. H. SEGAL

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ASH TRAY

Filed July 10, 1943

3 Sheets-Sheet 3

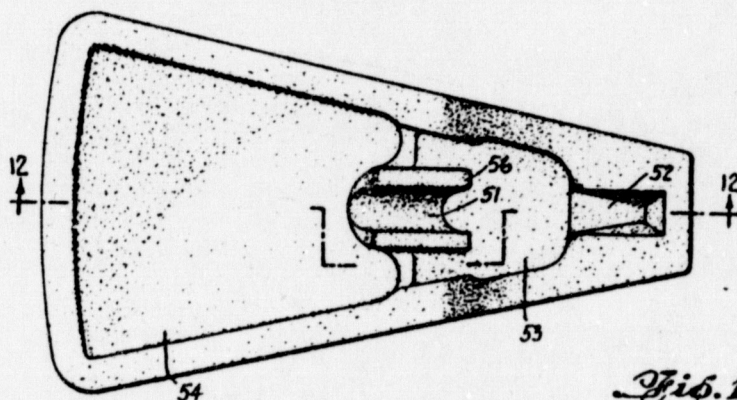


Fig. 11.

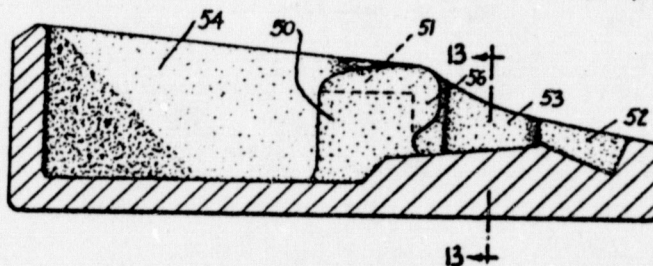


Fig. 12.

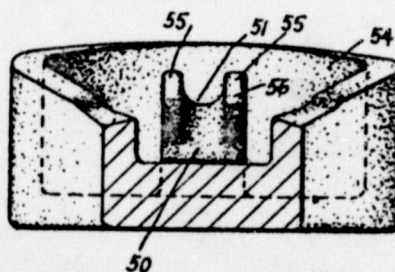


Fig. 13.

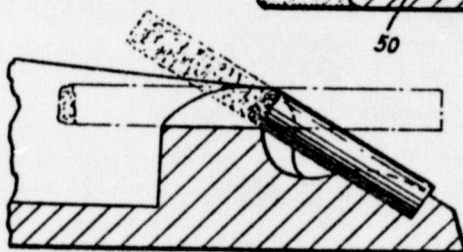


Fig. 14.

INVENTOR.  
RALPH H. SEGAL.BY *Corey Truman*  
ATTORNEY.



dependent upon a fulcrum support and where overbalancing takes place, the cigarette tilts backward and falls into the tray if it is not too well filled with butts. In this tray, the cigarette, especially the mouth end of the cigarette, comes in contact with the ashes in the tray, or other butts, and the user will not further smoke this cigarette.

The purpose of the present invention is to overcome the various obnoxious and fire-hazardous conditions, as above referred to. It is, therefore, an object of the present invention, to provide a tray which will given the smoker a properly designed platform which will preclude the moistened end of the cigarette from coming in contact with ashes or butts, and which will allow him to pick up the cigarette as often as he can use same without re-lighting, and without the danger of burning his fingers; also, to provide a tray wherein the cigarette must be placed in specific locations which are aligned with safety finger grooves and traps, and provided with guide flanges which will guide the cigarette, when it overbalances, into a trap, and restrain it from falling off the tray onto a table top or other support.

It is a further object to provide an ashtray wherein the lit end of a cigarette placed thereon remains lit, so long as there remains a conveniently holdable smokable portion, allowing the smoker to pick same up from the ashtray even though the cigarette assumes a tilted position, and to provide an ashtray in which the lit end of a cigarette never touches the tray until it has been sufficiently consumed to require snuffing.

In accordance with this concept, I preferably have all the top or upper surfaces of the tray, upon which one might attempt to rest his cigarette, made with relatively sharp slopes, except at those points where specific provision is made to accommodate the cigarette. These points or predetermined supporting positions are disposed well within the outer periphery of the tray, and comprise one or more raised parts, to the number desired, each having a groove for supporting a cigarette in a horizontal plane.

In one of the preferred forms of my invention, the invention partakes of a tray having an outer wall of continuously diminishing height, said wall, in whole or in part, circumscribing an ash-receiving well. The top of said wall consequently is in continuous slope and a cigarette placed at any point thereon will either fall into the well or onto the article upon which the tray is supported. All other top surfaces of the tray are also sloping, preferably in the direction of the slope of the outer wall at corresponding points.

The ashtrays of my invention have a platform for supporting a cigarette in a horizontal position and a part spaced apart therefrom but in alignment therewith having a preferably inclined trough into which the butt end of the cigarette is arranged to fall when the cigarette drops from its horizontal support, as would be the case where the cigarette is permitted to burn long enough while resting thereon. In the gap between the horizontal support and the trough part is a well which has a dual function:

(1) it serves as an ash-receiver for the ashes of a cigarette whose butt end is accommodated in said trough, and,

(2) it enables the smoker to grasp the cigarette with his fingers, provided, of course, the cigarette is long enough.

Broadly, my invention comprises an ashtray

having continuously sloping top surfaces, one or more relatively short cigarette supporting platforms, flanges or guide walls on the platform to guide the cigarette as it tips from the platform, a cigarette trap and a gap between the platform and the trap to admit the fingers for grasping the cigarette to continue smoking.

These features of invention, and others, are more clearly illustrated in the accompanying drawings, wherein:

Fig. 1 is a top view of an ashtray embodying both main features of my invention alluded to above, with ancillary features.

Fig. 2 is a sectional view on the line 2—2 of Fig. 1.

Fig. 3 is a sectional view on the line 3—3 of Fig. 1.

Fig. 4 is a sectional view on the line 4—4 of Fig. 1.

Fig. 5 is a sectional view on the line 5—5 of Fig. 1.

Fig. 6 is a sectional view on the line 6—6 of Fig. 1.

Fig. 7 is a slightly modified form of ashtray mainly differentiated from the tray illustrated in Figs. 1-6 by having a slope in a single direction as distinguished from Figs. 1-6 which slope in two directions.

Fig. 8 is a sectional view on the line 8—8 of Fig. 7.

Fig. 9 is a top view of still another form of ashtray having four stations disposed around a central wall.

Fig. 10 is a sectional view on the line 10—10 of Fig. 9.

Fig. 11 is still another embodiment of my invention whose principal distinguishing feature from the trays shown in Figs. 1-6 and Figs. 7-8 respectively, is the provision of a pedestal-type of support as differentiated from the transverse ridge arrangement of said preceding forms.

Fig. 12 is a sectional view on the line 12—12 of Fig. 11.

Fig. 13 is a sectional view on the line 13—13 of Fig. 12.

Fig. 14 is a fragmentary longitudinal sectional view through the cigarette platform and trough, illustrating the operation of the flanges on the platform in snuffing out or quenching the fire on a cigarette as it rests in inclined position.

Referring now more particularly to the form shown in Figs. 1-6, the ashtray is substantially ovoid in shape, and has an outer wall 10 of continuously diminishing height, as clearly illustrated in Fig. 2, in two directions from high points 11. Said outer wall, in part, circumscribes the well 12, and the encirclement of said well is completed by a transverse raised part or ridge 13, the top of which is provided with a groove 14 having relatively high side walls 15, in which groove is adapted to be accommodated a cigarette, supported, preferably, in a substantially horizontal plane. The top lateral surfaces 16, of said ridge part preferably slope down respectively toward the top surface of the outer wall portion at that point. The surface 17 of the outer wall is relatively steeply beveled so as to make it impossible to support a cigarette thereon. The top surfaces 18, of the high side walls 15, are also sloped so as to make it impossible to rest a cigarette thereon by laying it transversely across them. Should an attempt be made to do so, it will roll down. The slope may be in either direction. Spaced from said transverse ridge is a part 19 having a trough 20 in alignment with

aligned trough therein, in alignment with said a part spaced apart therefrom having an inclined flange extending upwardly and outwardly from the walls of said groove, said flanges being in substantial alignment with the walls of said trough.

side walls 15, from which extend opposed by high



2,335,973

3

the groove 14. The trough is wide and long enough to accommodate the butt end of a cigarette and deep enough to act as a snuffer. In order to guide the lit cigarette resting in the groove 14 so that it will invariably fall into the trough, when permitted to burn long enough to become unbalanced, there are provided two apposed guide flanges 21. Intervening the transverse ridge and the trough part is a well or gap 22, the sides of which are sufficiently spaced and formed to provide finger space to enable one to grasp a cigarette when the butt end is accommodated in said trough.

These guide flanges 21, together with the groove 14, have a further and distinct function for after the lit cigarette has been overbalanced and assumes the inclined position indicated in Fig. 2, the wings or flanges 21 will act as a snuffer as the burning end reaches these wings, thus to prevent the lit end from extending into the gap or finger-grip opening 22. Obviously, the cigarette may be picked up at any time before it is consumed up to the wings or flanges and may be smoked without re-lighting. It will be understood that the parts are so proportioned and arranged that the cigarette may be permitted to burn only so long as there still remains a conveniently smokable portion, as best seen in Fig. 14.

Referring now more particularly to the embodiment illustrated in Figs. 7-8, the ashtray there shown, is substantially triangular in shape and has an outer wall 30 of continuously diminishing height from one end to the other, as clearly illustrated in Fig. 8. In addition, as a further insurance against the possibility of supporting a cigarette thereon, the top surface of the wall, particularly that portion of it which comprises one of the bounding walls of the well 31, is steeply beveled transversely of the wall as at 32. As in the form illustrated in Figs. 1-6, there is a transverse ridge 33 having a groove 34 adapted to accommodate a cigarette in a substantially horizontal position. It, too, is provided with a trough 35 in alignment with groove 34 and an intervening well 36. As in the form Figs. 1-6, all top surfaces are in slope so as to preclude the possibility of supporting a cigarette at other than in the designated positions.

Referring to Figs. 9 and 10, these views illustrate a rectangular tray having four stations located about a central well 40. The top surfaces 41, of said tray are in slope and have formed in them at the four stations, means for supporting a cigarette in substantially horizontal position, this means comprising a groove 42, having substantially high side walls 43, with apposed guide flanges 44, extending from said side walls; troughs 45, in alignment with grooves 42, and intervening wells 46, are also provided, all functioning in the manner described in connection with the description of Figs. 1-6.

In Figs. 11-13, the ashtray, instead of having a transverse ridge or part with a groove therein for supporting a cigarette, has a pedestal 50, rising from the bottom of the tray, with a groove 51 therein for supporting a cigarette. In alignment with said groove is a trough 52 with a well 53 intervening, said latter well being in communication with the main well so that any ashes which may fall into the intervening well 53 will find their way into the main well 54. In this form, the tray may be regarded as having a single well with the pedestal forming a sort of island therein. Here, too, the groove is bounded by high side walls 55, from which extend apposed guide

flanges 56, as and for the purpose described in connection with the form shown in Figs. 1-6.

In each of the forms of my invention it will be seen that the traps or troughs 20, 35, 45, and 52 are all provided with flaring side walls to facilitate the guiding of the mouth end of the cigarette into the trough.

It will be seen from the above that I have provided an ashtray wherein a lit cigarette, in order to be supported, must be placed on a grooved platform where the mouth end of the cigarette projects over the platform and is free from contact with any part of the surface of the tray so long as there is a conveniently smokable portion remaining, and wherein, when this cigarette has been consumed sufficiently to cause overbalancing, the mouth end of the cigarette will be tilted down and caught between the flared walls of a trap, in which position, the cigarette may remain lit and available for the user to pick up this inclined cigarette by reason of having a finger depression below the platform surface, and wherein if this cigarette is not picked up in time, the lit end will continue to travel down until it reaches the back end of the platform where the guide walls or wings will come into play as a snuffer, to extinguish the flame.

Thus, it will be seen that the user of the cigarette can at all times pick up the cigarette without fear of burning fingers, as the lit end cannot go below the line of the snuffer part of the platform. If, however, a lit cigarette is placed by the smoker in the tilted position with its lit end below the wings or flanges of the platform support, then the lit end will continue to travel until it reaches the walls of the trap or trough which acts as a secondary snuffer to extinguish the cigarette butt.

Having thus described my invention, what I claim as new and desire to secure by Letters Patent, is:

1. An ashtray including a cigarette support having a groove therein with relatively high walls for the accommodation of a cigarette in a substantially horizontal position, said walls extending outwardly as guide flanges, and a part spaced therefrom having a trough in alignment with said groove, and constructed and arranged to receive the butt end of said cigarette as it overbalances and tips to an inclined position, said walls extending outwardly and downwardly beyond said support to serve as guide flanges while the cigarette is tipping and as a snuffer of the lit end of the cigarette while it is in inclined position.

2. In an ashtray for supporting a lit cigarette, a part having a groove therein for the accommodation of the cigarette in a substantially horizontal position, said part having apposed outwardly and downwardly extending guide and snuffer flanges in substantial alignment with the walls of said groove, and a part spaced therefrom having a trough in alignment with said groove, and constructed to receive the butt end of said cigarette as it overbalances and tips to an inclined position.

3. In an ashtray, a part having a groove therein for the accommodation of a lit cigarette in a substantially horizontal position, said part having apposed outwardly and downwardly extending guide flanges for quenching the fire on the end of the cigarette, said flanges being in substantial alignment with the walls of said groove, a part spaced apart therefrom having an inclined trough therein, in alignment with said



groove and flanges, arranged to receive the butt end of said cigarette when it falls from the horizontal position, and a well intermediate said parts to provide unobstructed fingerspace to enable the grasping of the cigarette when in the inclined position.

4. An ashtray having a well and a grooved platform adapted to support a lit cigarette overhanging said well in a substantially horizontal position, a trough spaced apart from said platform and adapted to receive the butt end of a lit cigarette tipping from said platform, the space between the platform and the trough being sufficient to permit of the grasping by the fingers, of a cigarette accommodated in said trough, said grooved platform having outwardly and downwardly extending flanges to guide the cigarette as it tips downwardly, into the trough, and to snuff out or quench the fire on said cigarette,

thereby to prevent the fire from reaching the fingerspace.

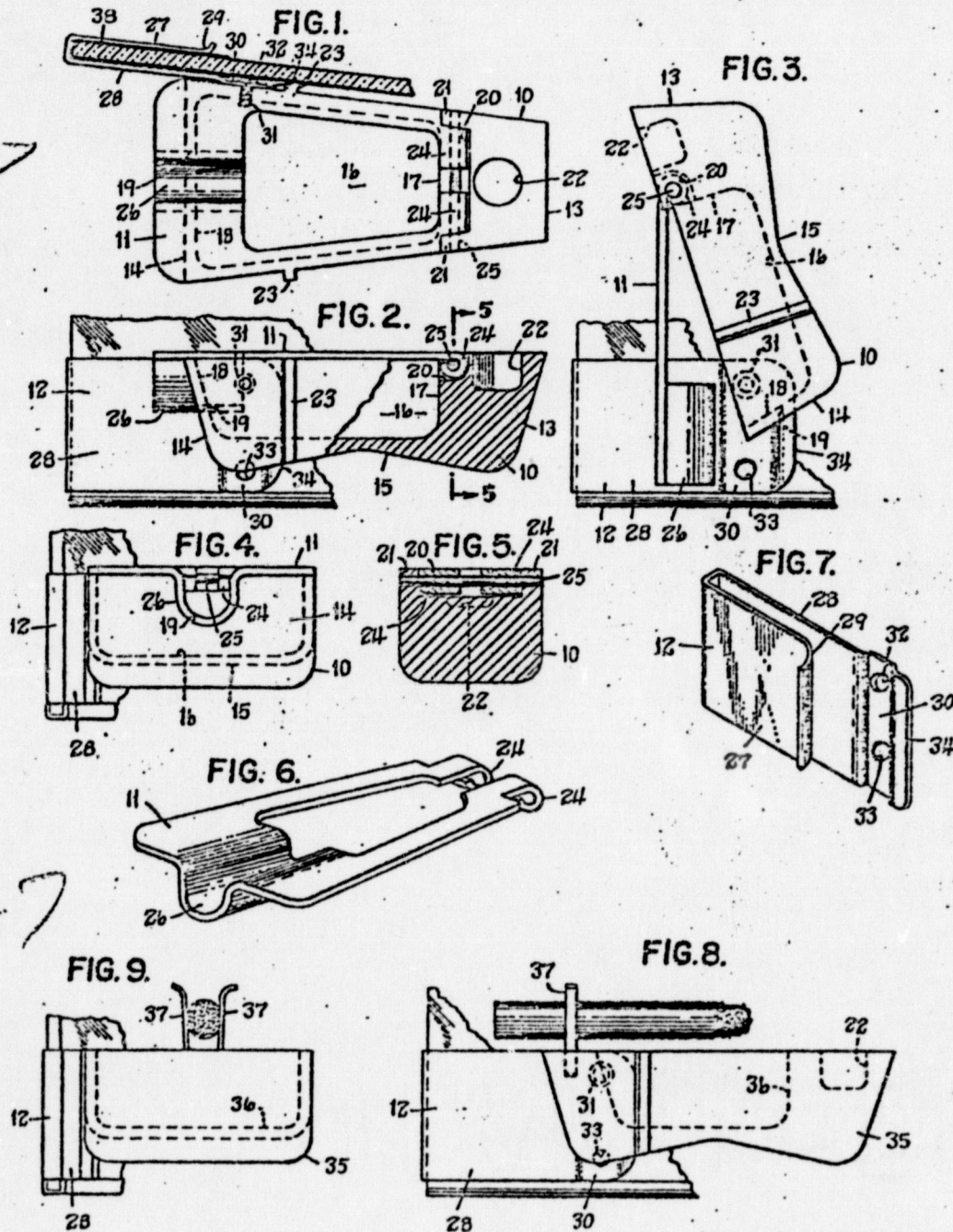
5. An ashtray having an outer wall and having a well and a grooved platform adapted to support a lit cigarette overhanging said well in a substantially horizontal position, a trough spaced apart from said platform and adapted to receive the butt end of a lit cigarette tipping from said platform, the space between the platform and the trough being sufficient to permit of the grasping by the fingers, of a cigarette accommodated in said trough, said grooved platform having outwardly and downwardly extending flanges to guide the cigarette as it tips downwardly, into the trough, and to snuff out or quench the fire on said cigarette, thereby to prevent the fire from reaching the fingerspace.

RALPH H. SEGAL.

June 9, 1953

H. E. STOCK  
ASH TRAY FOR VEHICLES  
Filed Sept. 27, 1950

2,641,264



Inventor  
Herman E. Stock  
By *Seymour, Carter & Nichols*  
Attorneys



## UNITED STATES PATENT OFFICE

2,641,264

## ASH TRAY FOR VEHICLES

Herman E. Stock, New Haven, Conn.

Application September 27, 1950, Serial No. 186,931

3 Claims. (Cl. 131-241)

1

The present invention relates in general to ash trays and more especially to an ash tray to be used in a vehicle.

An object of the invention is to provide a tiltable ash tray for vehicles.

A further object of the invention is to provide an ash tray of durable and economical construction and which automatically empties itself upon being swung upwardly about a horizontal axis.

A still further object of the invention is to provide an ash tray of the type hereinabove described which may be detachably secured to either the right or left ventilating quarter-window in the corresponding front door of an automobile, and which may be swung upwardly when the ventilating quarter-window is open, to automatically empty ashes out of the ash tray.

A still further object of the invention is to provide an ash tray of the type described having a hinged cover arranged to automatically open to facilitate emptying ashes from the ash tray when the latter is swung upwardly about a substantially horizontal axis at one end thereof.

A still further object of the invention is to provide an ash tray of the type described having cigarette-supporting means and a cigarette-snuffer.

Other objects and advantages will appear to those skilled in the art from the following, considered in conjunction with the accompanying drawings.

In the accompanying drawings, in which certain modes of carrying out the present invention are shown for illustrative purposes:

Fig. 1 is a plan view of the ash tray of this invention, including a fragmentary portion of a ventilating window to which the ash tray is attached;

Fig. 2 is a side elevation partly in section, of the ash tray in its normal operating position;

Fig. 3 is a side elevation of the ash tray similar to Fig. 2 with the ash tray swung upwardly to empty ashes therefrom;

Fig. 4 is a left-end elevation of the ash tray of Fig. 1;

Fig. 5 is a sectional view of the ash tray on line 5-5 of Fig. 2;

Fig. 6 is a perspective view of the hinged cover of the ash tray;

Fig. 7 is a perspective view of the resilient clip for detachably securing the ash tray to a window;

Fig. 8 is a side elevation of another form of the ash tray of this invention; and

Fig. 9 is a left-end elevation of the ash tray of Fig. 8.

2

The showing of Figs. 1 through 7, inclusive.

In the embodiment of the invention shown in Figs. 1 through 7, the ash tray comprises a body 10 provided with a hinged cover 11 and supporting-means 12, the latter being adapted to detachably mount the body 10 on either the left or right ventilating quarter-window of the front door of an automobile.

The body 10 of the ash tray comprises a metal block substantially rectangular in cross-section and tapered in the direction of its longitudinal axis so as to be relatively narrow at its front end and relatively wide at its rear end (Fig. 1). Moreover, for appearance's sake, the front-end wall 13 may be sloped downwardly and rearwardly, while the rear end wall 14 may be sloped downwardly and forwardly. The design of the ash tray is further enhanced by providing a V-bottom 15 as shown in Fig. 2.

Extending downwardly into the body 10 of the ash tray from its upper surface and intermediate the front and rear walls thereof, is a substantially vertical ash-receiving aperture or pocket 16. Each side wall of the ash-receiving pocket 16 is substantially parallel to its adjacent side of the body 10 and substantially perpendicular to the bottom thereof. The front wall 17 of the pocket 16 extends substantially at right angles to the longitudinal axis of the body and is substantially perpendicular with respect to the bottom of the ash-receiving aperture, while the transverse rear wall 18 of the pocket slopes upwardly and rearwardly in a plane substantially parallel to the inclined rear end wall 14 of the body. Intersecting the upper edge of the rear end wall 14 of the body substantially intermediate its opposite ends and coaxial with the longitudinal axis of the body, is a substantially semicylindrical clearance-notch 19.

Formed in the front wall 17 of the ash-receiving aperture 16 and adjacent its upper edge, is a hinge-receiving notch 20 (Fig. 2) which extends substantially transversely of the body 10, the over-all length of the notch 20 being less than the width of the body 10 at this point, so as to provide upstanding walls 21-21 at opposite ends respectively of the notch. In this connection, the upper edge of each side wall of the body is cut recessed rearwardly adjacent the front wall 17 of the ash-receiving aperture 16 to the rear end wall 14 of the body by an amount substantially equal to the thickness of the cover 11 as shown in Fig. 3, so that the cover will normally lie substantially flush with the upper surface of the body.

Provided in the upper surface of the body 10



between its front end wall 13 and the front wall 17 of its ash-receiving aperture 16 is a cigarette-snuffing aperture 22. Moreover, formed integrally with or otherwise secured to the opposite sides respectively of the body of the ash tray are laterally projecting stop-ribs 23 which extend outwardly and substantially vertically along the respective sides of the body 10 in the position shown in Fig. 3, each stop-rib 23 being adapted with the clip 12 to support the ash tray in a substantially horizontal plane in the manner hereinafter described.

The cover 11 of the ash tray, shown in Fig. 6, comprises a sheet-metal member shaped generally to conform to the shape of the upper surface of the body 10 of the ash tray. The forward end of the cover is notched at its opposite sides and the portion of the forward end of the cover between these notches is formed into a pair of hinge eyes 24 adapted to be received in the hinge-receiving notch 20 of the body 10. The hinge eyes are rotatably mounted in the aforesaid notch 20 on a hinge pintle 25 which extends through the respective end walls 21 of the notch 20 as shown in Fig. 5. The rear end-portion of the cover 11 is designed to extend beyond the rear end wall 14 of the body 10 of the ash tray, and is provided with a depending substantially semicylindrical trough 26 which extends across the rear end-portion of the cover on an axis substantially coincident with the longitudinal axis thereof, the radius of the depending semicylindrical trough 26 corresponding substantially to the radius of the semicylindrical notch 19 in the rear end wall 14 of the body, so that the underside of the trough 26 may seat in the aforesaid notch 19 when the cover is in its normal closed position with respect to the body as shown in Figs. 2 and 4. It will be clear that the trough 26 in the rear end of the cover 11 is adapted to support a cigarette over the ash-receiving aperture 16 of the body 10.

The body 10 of the ash tray is adapted to be pivotally mounted on a ventilating quarter-window of a vehicle so as to be upwardly swingable to automatically empty ashes from the ash-receiving aperture 16 of the ash tray. To this end, the supporting means 12 of the body 10 comprises substantially flat resilient sheet metal bent intermediate its opposite ends into a U-shaped fastening-element or clip, the legs 27 and 28 of which are adapted to frictionally engage on opposite sides respectively of a ventilating quarter-window of an automobile. Moreover, it is desirable to augment the grip of the resilient legs of the clip by friction means 33, interposed between the glass and the legs of the clip. Such friction means may be a coating of tacky material applied to the inner surfaces of the legs of the clip, or a rubber or rubber-like lining secured thereon. Preferably, however, a strip of friction tape corresponding substantially to the overall dimensions of the respective legs of the clip is bent around the vertical back edge of the window with its forwardly extending portions adhered to the corresponding sides of the glass. Thus, when the clip is slid forwardly over the friction tape, frictional engagement of the resilient legs therewith serves to hold the clip from inadvertent displacement from the rear edge of the window.

In order to facilitate application of the U-shaped fastening-element or clip onto the window, the leg 27 of the clip is bent outwardly to provide a curved surface 29.

to the rear edge of the window. The opposite leg 28 of the clip 12 is provided with an inwardly offset rib 30 which extends the full height of the leg 28 and forms a spacer member between the juxtaposed sides of the clip leg 28 and the body 10 for facilitating pivotal movement of the latter relative to the clip. A substantially shallow groove is formed by the rib 30 in the opposite or outer face of the leg 23 and serves to accommodate the head of pivotal means, such as a screw 31, so that the head of the screw will be disposed in a plane below the plane of the upper edge of the leg 23. The inwardly offset rib 30 is shown provided with an aperture 32 adjacent its upper edge and an aperture 33 adjacent its lower edge, either one of which is adapted to accommodate the pivotal screw 31 used to pivotally secure the leg 28 of the clip to the outer side wall of the body 10 of the ash tray, the two apertures 32 and 33 respectively being provided so that the clip may be pivotally secured to either side of the ash tray, whereby the latter may be used on either the right or left ventilating quarter window of a vehicle.

As indicated in Figs. 1 and 2, the forward edge 34 of the leg 28 of the clip is adapted normally to abut the offset rib 23 on the corresponding side of the body 10 of the ash tray, to hold the latter in its normal substantially-horizontal position, the corners of the forward edge 34 of the leg 28 being rounded so as to permit the offset rib 23 to pass thereover when the body of the ash tray is swung upwardly about the pivotal screw 31 of the clip, to the position shown in Fig. 3. Although the resilient clip is a preferred supporting-means for the ash tray, it is within the purview of the invention to pivotally secure the ash tray directly on the quarter-window by a screw or equivalent means.

#### *Operation of the showing of Figs. 1 through 7 inclusive*

Assuming that the clip 12 is pivotally secured to one side of the body 10 of the ash tray in the manner hereinabove described, then the ash tray is adapted to be detachably secured to the proper ventilating quarter-window of a vehicle by sliding the clip over the lower rear portion of the window, the clamping pressure of the respective legs 27 and 28 of the clip on the window, augmented by the friction means interposed between the legs 27-28 and the adjacent sides of the window, serves securely to hold the ash tray on the window. Moreover, the bottom edges of the legs of the clip may rest against the customary window frame channel at the lower portion of the window to further preclude unauthorized removal of the clip from the window. With the clip so mounted on the window, the ash tray will be disposed in a substantially horizontal plane on the inside of the window, in which position the semicylindrical trough in its hinged cover may be conveniently used for supporting a cigarette over the ash-receiving aperture 16 thereof. When it is desired to put out a cigarette, the latter may be inserted into the snuffing aperture 22 at the forward end of the ash tray. To empty the ash tray, the ventilating quarter window is swung outwardly sufficiently to bring the ash tray to the outside of the car, whereupon the forward end of the ash tray is swung upwardly about the pivotal screw 31 of the clip into an upright position shown in Fig. 3, for instance. Simultaneously, the hinged cover 11 will swing outwardly and rearwardly with respect to the body of the ash tray.



in the manner shown in Fig. 3, so that the cover will not interfere with the automatic emptying of the ash tray. The ash tray is then swung forwardly and downwardly to its normal ash receiving position where it is held by engagement of the forward edge 34 of the clip leg 28 with the corresponding offset rib 23 on the body 19 of the ash tray, the cover 11 simultaneously gravitating into its normal position overlying the ash receiving aperture 16 of the ash tray. It will be clear from the showing in Fig. 3 that upon swinging the ash tray upwardly past a substantially perpendicular position with respect to its pivotal screw 31, the ash tray rib 23 opposite the clip leg 28, will be brought into engagement with the upper edge thereof, whereupon the ash tray will be positively held in a semi-inverted position to facilitate cleaning out the ash receiving apertures of the tray. Furthermore, the ash tray rib 23 in conjunction with the adjacent upper edge of the clip leg 28 suggests the practice of emptying the tray in a forceful manner by flipping the same over into its ash dumping position, especially with such force that the tray strikes against the upper edge of the leg 28 with a force equal or similar to that usually employed in knocking an inverted ash tray against a refuse depository, for instance, for the purpose of thoroughly emptying the tray. For the purpose of identifying these stop provisions on the bracket in some of the hereto appended claims, the forward edge 34 and the upper edge of the clip leg 28 may be referred to as stop surfaces on the clip. The feature of removing the contents of the ash tray therefrom by knocking the latter in its substantially inverted ash dumping position against the top edge of the clip leg 28, is enhanced by the pivoted cover 11 which gravitates into open position when the ash tray is flipped over into its ash-dumping position, and adds to the force of the shock of the ash tray against the top edge of the clip leg 28 by virtue of the fact that the greater part of the mass of the cover is formed by the non-hinged end of the latter and the cigarette holding trough 26 thereon so that the cover overswings considerably beyond the position shown in Fig. 3 and thereby momentarily shifts the center of gravity of the ash tray and cover a maximum distance away from the pivot axis of the ash tray.

*The showing of Figs. 8 and 9 inclusive*

In the showing of Figs. 8 and 9 inclusive, certain of the parts correspond to those previously described herein and such parts have reference characters applied thereto which correspond to those previously employed. In this form of the invention, the body 35 of the ash tray is substantially identical to the body 10 of the ash tray hereinabove described, except that in this form of the invention, the ash tray is not provided with a cover and, consequently, the upper edges of the body 35 of the ash tray present smooth substantially unbroken surfaces. Moreover, the clip 12, for the pivotal mounting of the body 35 on the ventilating quarter window of an automobile door, is substantially identical to the clip shown and hereinabove described.

The distinguishing feature of the ash tray shown in Figs. 8 and 9 comprises the holding means for supporting a cigarette over the ash receiving aperture 36 in the body of the ash tray. As shown in Fig. 9, the holding means comprises a pair of laterally spaced fingers 37 formed of resilient wire or flat resilient sheet-metal stock, each finger being suitably secured at its lower end

to the upper surface of the rear end wall 38 of the ash tray body 35, and both fingers projecting upwardly therefrom in substantially outwardly diverging relationship. The upper ends of the fingers are preferably turned outwardly to form a diverging throat to facilitate entry of a cigarette between the resilient fingers.

Inasmuch as the pivotal supporting means of the ash tray is identical to that hereinabove described, it will suffice to say that the ash tray shown in Figs. 8 and 9 is used in a similar manner, that is to say, it is adapted to be detachably mounted on either the right or left ventilating quarter window of a vehicle by means of the resilient clip 12, and to be swung upwardly about the pivotal screw 31 of the clip to empty the ashes and cigarette butts from the tray. Since the resilient fingers 37—37 serve to positively hold a cigarette therein, the ash tray may be emptied even while holding a cigarette between the fingers of the ash tray, without dislodgement of the cigarette therefrom.

The ash tray of this invention is thus characterized by its adaptability to either the right or left ventilating quarter window of a vehicle, the pivotal supporting means of the ash tray permitting the latter to be swung upwardly so as to empty the contents therefrom, while the simultaneous displacement of the cover of the ash tray relative thereto facilitates removal of the ashes and cigarette butts from the up-swung ash tray.

The invention may be carried out in other specific ways than those herein set forth without departing from the spirit and essential characteristics of the invention, and the present embodiments are, therefore, to be considered in all respects as illustrative and not restrictive, and all changes coming within the meaning and equivalency range of the appended claims are intended to be embraced therein.

*I claim:*

1. An ash tray for a substantially vertically hinged ventilation window of an automotive vehicle, comprising an ash receptacle having opposite side walls and an open top; and a U-shaped clip having opposite legs and a connecting yoke and being adapted resiliently to straddle an end edge of a ventilation window, said receptacle being pivotally mounted on one leg of said clip about an axis extending near one end of said receptacle transversely of the side walls thereof so that said receptacle may be placed in its substantially horizontal ash receiving position entirely within the confines of the window when said clip is attached to the latter and is turnable into an ash-dumping position, the side wall of said receptacle nearest said clip being provided with an external protrusion; and stop surfaces on said one clip leg, one of said stop surfaces being the free forward edge of said one clip leg, said edge being adapted to be engaged by said protrusion on said receptacle in its ash-receiving position, and the other stop surface being adapted to be engaged by said protrusion on said receptacle in its ash-dumping position and said protrusion on said receptacle being adapted to be struck against another stop surface to knock the contents of the receptacle therefrom.

2. An ash tray as set forth in claim 1, in which said other stop surface of said one clip leg the upper edge portion of the leg adjacent the forward edge on which said protrusion is adapted to rest in the ash dumping position of said re-

be struck to knock the contents of the receptacle therefrom.

3. An ash tray for a substantially vertically hinged ventilation window of an automotive vehicle, comprising an ash receptacle having opposite side walls and an open top; a bracket on which said receptacle is pivotally mounted about an axis extending near one end of said receptacle transversely of the side walls thereof; stop surfaces on said bracket, one of said stop surfaces being adapted to be engaged by said receptacle in its substantially horizontal ash receiving position, and one other stop surface being adapted to be engaged by said receptacle in its substantially inverted ash dumping position and said receptacle may be struck thereagainst to knock its contents therefrom; an apertured cover for the top of said receptacle, said cover being hinged to said receptacle with that end thereof which is remote from the pivot mounting of said receptacle so that said cover will gravitate away from and then onto the open top of said receptacle on swinging the latter into its ash dumping and ash receiving positions, respectively, and said cover being provided at the non-hinged end thereof

with a cigarette holding trough so that said non-hinged end of the cover and the trough thereat form the major part of the mass of the cover, whereby said cover, when gravitating away from the open top of said receptacle on flipping the latter into its ash dumping position, will add to the force of the shock with which said receptacle engages said other stop surface; and provisions on said bracket for mounting the latter on a ventilation window so that the edges of the latter are substantially unobstructed to permit closure of the window.

HERMAN E. STOCK.

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UNITED STATES PATENTS

Number	Name	Date
581,568	Wilde	Apr. 27, 1897
1,503,949	Helm	Aug. 5, 1924
1,962,575	Silverman	June 12, 1934
2,140,612	Zeman	Dec. 20, 1938
2,303,980	Bonbright	Dec. 1, 1942
2,459,459	Seaman	Jan. 18, 1949
2,576,019	Kisselle	Nov. 20, 1951



Sept. 10, 1946.

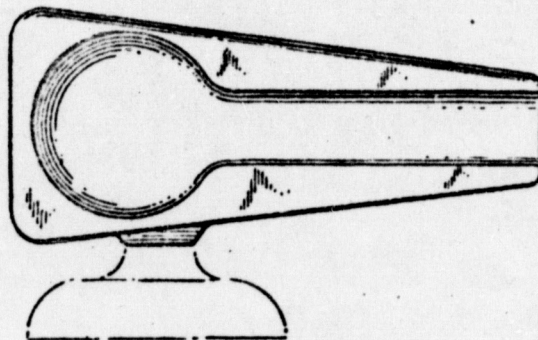
F. C. CHAMBERS

Des. 145,562

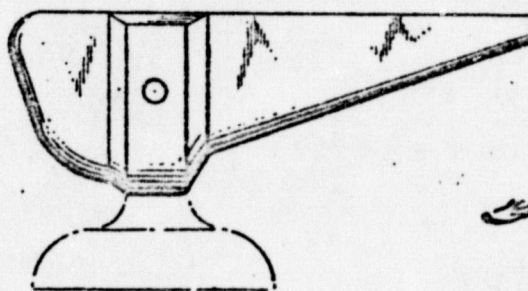
PIPE RECEPTACLE

Filed Oct. 8, 1945

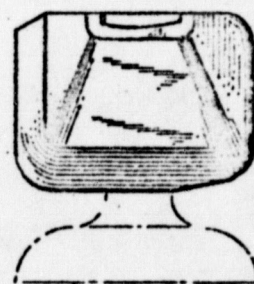
*Fig. 1*



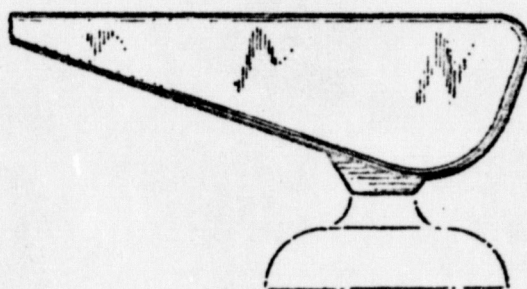
*Fig. 2*



*Fig. 3*



*Fig. 4*



234

Inventor  
F. C. Chambers,

Barry & Cyr.

Attorney

# UNITED STATES PATENT OFFICE

145,552

## DESIGN FOR A PIPE RECEPTACLE

Frederick C. Chambers, Chicago, Ill.

Application October 8, 1915, Serial No. 122,633

Term of patent 7 years

(Cl. D85-2)

*To all whom it may concern:*

Be it known that I, Frederick C. Chambers, a citizen of the United States, residing at Chicago, in the county of Cook and State of Illinois, have invented a new, original, and ornamental Design for a Pipe Receptacle, of which the following is a specification, reference being had to the accompanying drawing, forming part thereof.

In the drawing:

Fig. 1 is a top plan view of a pipe receptacle showing my new design;

Fig. 2 is a side elevational view looking at the receptacle from one side thereof;

Fig. 3 is an end elevational view of the receptacle; and

Fig. 4 is a side elevational view looking in the opposite direction from the view in Fig. 2.

The dominant features of the design reside in the portions shown in full lines.

I claim:

The ornamental design for a pipe receptacle, as shown and described.

FREDERICK C. CHAMBERS.



D852-① N. Arnold Jeweler  
P67

3-1931



SOUVENIR ash tray made for the Golden Rooster banquet by Art Metal Works of Newark. The rooster is golden with a bright red crest.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LANCASTER COLONY CORPORATION,

Plaintiff,

-against-

ALDON ACCESSORIES, LTD. and  
ROYAL LONDON, LTD.,

Defendants.

#40480  
72 Civ. 5038 (CHT)

FILED  
U.S. DISTRICT COURT  
MAR 20 2 52 PM '74  
S.D.N.Y.  
MEMORANDUM

TENNEY, J.

Plaintiff, Lancaster Colony Corporation ("Lancaster"), has instituted this action against defendants, Aldon Accessories, Ltd. ("Aldon") and Royal London, Ltd. ("Royal"), alleging that defendants' ashtray infringes the design patent (No. Des. 217,942) of plaintiff's ashtray. Both parties have now moved for summary judgment. For the reasons set out infra, plaintiff's motion is granted and defendants' motion is denied.

The material facts are not in dispute. There can be little, if any, doubt that defendants' ashtray is virtually identical to plaintiff's. The only differences apparent to the Court are (1) that the top surface of defendants' ashtray inclines at approximately an 8° angle from the trough end while the top surface of plaintiff's ashtray is parallel to its base and (2) that defendants' ashtray is somewhat smaller than plaintiff's. Thus, as the Court ruled at oral argument, it is clear that defendants'



ashtray infringes plaintiff's design patent. The only issue remaining, therefore, is the validity of plaintiff's patent.

It is defendants' contention that plaintiff's ashtray was fully anticipated by prior art and is, therefore, invalid pursuant to 35 U.S.C. § 103. The burden is, of course, upon defendants to establish the invalidity of plaintiff's patent. See, e.g., Boas Box Co. v. Proper Folding Box Corp., 330 F. Supp. 401, 404 (S.D.N.Y. 1971). Thus, defendants must overcome the presumption of validity of plaintiff's patent and that presumption, in turn, "requires that reasonable doubt on the question of validity be resolved in favor of the patent holder." Lemelson v. Topper Corp., 450 F.2d 845, 849 (2d Cir. 1971).

In attempting to establish that plaintiff's design was fully anticipated by prior art--and thus rebut the presumption of validity--defendants have cited to four previously patented ashtray designs. Only one of those patents was before the Patent Examiner when he passed upon plaintiff's application, i.e., Chambers No. Des. 145,562 (although the Patent Examiner also had two other designs before him--Gayle No. Des. 172,873 and Gluck No. Des. 199,716--which defendants have not submitted to the Court). Although plaintiff claims that since at least one of the prior art references was before the Patent Examiner, the presumption of validity is reinforced--see, e.g., Stevens v. Carl Schmidt, Inc., 73 F.2d 54 (2d Cir. 1934), cert. denied, 294 U.S. 721 (1934)--it is well settled that where the Patent

... did not consider pertinent prior art, the presumption is  
rebutted. See, e.g., Parsons Corp. v. U.S. Laminating Corp.,  
417 F.2d 839 (2d Cir. 1969). An examination of the prior art  
cited by defendant reveals that at least two of them (Serial No.  
371,981 and Serial No. 2,839,973) are closely pertinent.

It is defendants' contention that all of the constituent  
elements of plaintiff's design appear in the prior art. Plain-  
tiff, on the other hand, claims that its design is sufficiently  
distinctive to avoid the prescription of § 103.

The Court has carefully studied the prior art submitted  
by defendants, has compared it with plaintiff's design and finds  
itself in agreement with defendants' contention that most of the  
basic elements of plaintiff's design--viz., the trapezoidal shape  
of the ashtray; a large trapezoidal trough for ashes; and a groove  
for resting a cigar running the length of the ashtray--appear in  
the cited prior art. The Court does not find, however, that  
plaintiff's design is thus invalid as anticipated by prior art.

It is well settled in this circuit that:

"... the mere fact that a person has utilized in com-  
bination a number of elements which severally were  
well known will not defeat the patentability of the  
combination.... But the utilization of old elements  
in combination must represent an exercise of inventive  
skill and creative talent beyond that of the ordinary  
designer capable of the prior art."  
Blisscraft of Illinois v. United Plastics, 294 F.2d  
694, 696 (2d Cir. 1961) (emphasis added).

See also, G.B. Lewis Co. v. Gould Products, Inc., 436 F.2d 1176  
(2d Cir. 1971). It is clear to the Court that this is the stan-



and by which the validity of plaintiff's patent must be judged.

While the standard is deceptively simple to define, its application to the instant case has proven rather difficult. Defendants have persuasively maintained that each of the elements of plaintiff's design have been anticipated by the four prior patents noted supra. On the other hand, plaintiff has equally persuasively noted the distinctive characteristics of its own design. The Court, in all candor, must admit that the question is indeed a close one. However, upon reexamination of the parties' positions, the Court has concluded that plaintiff's is the stronger case.

Defendants rely primarily on the Russel patent to support their contention that plaintiff's design was fully anticipated.

"Were it not for the fact that the plaintiff's structure is trapezoidal, it would have been an exact copy of the Russel patent which was not cited by the Patent Office." (Memo. in Supp. of Def.'s Motion, at 3).

"In the Russel patent No. 371,981, each and every element of the patent in suit is found. The only lacking feature of the Russel patent being a 100% duplicate of the patent in suit is the fact that in plan views, it is rectangular as opposed to the trapezoidal plan view of the patent in suit." (Memo. in Supp. of Def.'s Motion, at 5).

Plaintiff, in attempting to rebut defendants' contention, has submitted the following chart indicating the differences between the Russel design and its own design.

	<u>Russel Patent</u>	<u>Plaintiff's Design Patent</u>
General body shape	Rectangular	Trapezoidal
Trough	Rectangular	Trapezoidal with sloping walls (see Fig. 3) and oversized rounded edges
Groove	Arcuate with a remote radius of curvature. See Figs. 1 and 4.	Semicircular with the radius of curvature being approximately in the plane of the top surface of the ash tray (see Fig. 4).
Length to height ratio	8:1	4:1
Front and rear end Height to width ratios	1:4	1:1; 1:2
Outer edges	right angled	delicately chamfered

Although defendant has characterized these distinguishing features as minor, the Court is in agreement with plaintiff's cited authority:

"[T]here are no portions of a design which are 'immaterial' or 'not important'. A design is a unitary thing and all of its portions are material in that they contribute to the appearance which constitutes the design." In Re Blum, 153 U.S.P.Q. 177, 180 (CCPA 1967).

Thus, the ultimate question which the Court must decide is whether these distinguishing features considered together with those elements of the design anticipated by the prior art "represent an exercise of talent beyond that of the ordinary designer chargeable with knowledge of the prior art."

The Court is constrained to note that this determination

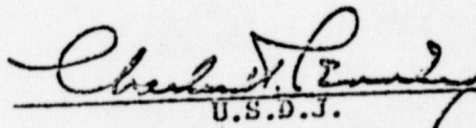


is as much an aesthetic value judgment as it is a resolution of a question of law. Consequently, the Court finds it extremely difficult to verbalize its resolution of the issue. It must suffice, then, to say that the Court has carefully scrutinized both plaintiff's design and the prior art; that it has noted the similarities as well as the differences; and that it concludes that the combination of the elements existing in the prior art and the refinements of design authored by plaintiff (i.e., the change in the ratio of various dimensions of the ashtray; the chamfering of the edges; the sloping of the trough walls; and the semicircular groove) do indeed represent an exercise of talent beyond that of the ordinary designer chargeable with knowledge of the prior art.

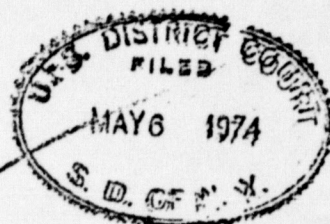
Accordingly, plaintiff's motion is granted and defendants' motion is denied. Settle judgment on five (5) days' notice within ten (10) days of the filing of this opinion.

Dated: New York, New York

March 20, 1974

  
U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
LANCASTER COLONY CORPORATION -

Plaintiff

v.

ALDON ACCESSORIES LTD. and  
ROYAL LONDON LTD.

Defendants  
-----X

: Civil Action *Are*  
: No. 72 Civ. 5038  
: (Judge Tenney)

JUDGMENT

Plaintiff having instituted this action for infringement of a U.S. design patent and having moved for summary judgment that defendants are infringing said patent, and defendants having answered the complaint herein and moved for summary judgment that said patent is invalid and not infringed, it is ORDERED, ADJUDGED, and DECREED that:

1. This Court has jurisdiction over the parties hereto and the subject matter of this action.

2. Plaintiff is the owner of United States Letters Patent No. Des. 217,942, entitled "Ashtray", and said Letters Patent is valid and subsisting.

3. Defendants have infringed said Letters Patent by manufacturing and/or causing to be manufactured, selling and causing to be sold, and using and causing to be used within this district and elsewhere within the United States, ashtrays which embody the patented design.

4. Defendants, their executors, successors, or assigns, and their officers, agents, servants, affiliates, employees,



attorneys, and those in concert or participation with them, are hereafter enjoined from manufacturing or causing to be manufactured, purchasing or causing to be purchased, offering for sale or causing to be offered for sale, selling or causing to be sold, importing or causing to be imported, distributing or causing to be distributed, and shipping or causing to be shipped, ashtrays which embody the patented design.

4. Defendants pay plaintiff a sum adequate to compensate plaintiff for the damage it has suffered as a result of defendants' infringement, which sum shall be not less than a reasonable royalty for the use made of the patented design by defendants, as provided for in 35 U.S.C. 284.

5. Defendants account for and pay to plaintiff a sum equal to their total profit resulting from defendants' infringement as provided for in 35 U.S.C. 289.

6. Defendants pay to plaintiff interest, at the rate of 6% per annum, on the sums referred to in Paragraphs 4 and 5 above, from November 28, 1972, the date of filing of the Complaint in this action, together with plaintiff's costs.

7. A special master will be appointed by an Order in the form annexed hereto, to ascertain the sums referred to in Paragraphs 4, 5, and 6 above.

Dated: New York, New York

May 6 ~~April 27~~, 1974

*Charles D. Brady*  
U.S. D.J. (72)

JUDGMENT ENTERED - 5-6-74

*Raymond F. Burghardt*  
Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LANCASTER COLONY CORPORATION :  
Plaintiff : Civil Action  
v. : No. 72 Civ. 5038  
ALDON ACCESSORIES LTD. and : (Judge Tenney)  
ROYAL LONDON LTD. :  
Defendants :  
-----X

ORDER

It appearing that the accounting and measure of damages herein ordered is an appropriate matter to be referred to a master, it is

ORDERED that *HOWARD C. MISKIN Esq.*  
*521 3rd Ave., New York City*  
be and hereby is appointed special master, pursuant to the judgment herein dated *May* ~~April~~ 6, 1974, and Rule 53, F.R. Civ. P., to ascertain:

1. the actual damages suffered by plaintiff as well as the amount of a reasonable royalty on sales of the infringing ashtrays by defendants, and

2. the number of infringing ashtrays made or otherwise obtained by defendants, the cost of such ashtrays, the price or prices at which they were sold by defendants, and a determination of the total profit made by defendants as a result of said sales, and

to report his findings of fact and conclusions of law to this court defendants to pay all costs of this reference, including the master fee.

Dated: New York, New York  
*April May 6* 1974

*Charles D. Lundy*  
U.S.D.J.





UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
LANCASTER COLONY CORPORATION,

Plaintiff,

v.

ALDON ACCESSORIES, LTD. and  
ROYAL LONDON, LTD.,

Defendants.  
-----x

-x

:

:

72 Civ. 5038

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NOTICE OF APPEAL

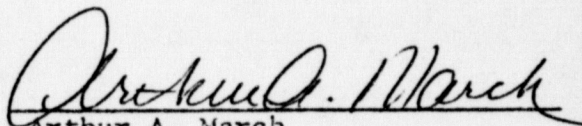
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Notice is hereby given that Aldon Accessories, Ltd.  
and Royal London, Ltd.; the defendants in the above-entitled  
action hereby appeal to the U.S. Court of Appeals for the  
Second Circuit from the final Judgment that U.S. Patent  
No. Des. 217,942 is valid and infringed by the defendants  
entered in this action on the 6<sup>th</sup> day of May, 1974.



Arthur A. March  
Attorney for Defendants  
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New York, N.Y. 10017

To: Breitenfeld & Levine  
Attorneys for Plaintiff  
350 Fifth Avenue  
New York, N.Y. 10001





